THE MYSORE LAND REVENUE CODE, 1888.

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(Chapter I—Preliminary)

MYSORE ACT No. IV OF 1888.

THE MYSORE LAND REVENUE CODE, 1888.

(PASSED ON THE 22ND DAY OF NOVEMBER 1888.)

An Act to consolidate and amend the law relating to Revenue Officers and Land Revenue in the [1][whole of the State of Mysore except Bellary District.]

WHEREAS it is expedient to consolidate and amend the law relating to Revenue Officers and to the assessment and recovery of land revenue, and to other matters connected with the Land Revenue administration; His Highness the Maharaja is pleased to enact as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be cited as "The Mysore Land Revenue Code, 1888." Short title.

It extends to the [1][whole of the State of Mysore except Bellary District.] Local extent.

It shall come into force on the 1st day of April 1889. Commencement.

2. The Acts, Rules, Notifications and Orders mentioned in the Schedule 'A' hereto annexed are repealed, but not so as to render invalid anything done in accordance with any of them. Enactments repealed.

All references made in any Act, Rule, Notification, or Order, to any enactment hereby repealed, shall be read as if made to the corresponding portion of this Act.

And all rules prescribed, appointments made, securities furnished, powers conferred, orders issued, and notifications published under any such enactment, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, furnished, conferred, issued and published hereunder.

And all proceedings now pending which have been commenced under any enactment hereby repealed shall be deemed to have been commenced under this Act, and

1. See the Mysore Adaptation of Laws Order, 1963.

shall hereafter be conducted in accordance with the provisions of this Act.

Interpretation section.

3. In this Act, unless there be something repugnant in the subject or context,—

Revenue officer.

(1) "revenue officer" means every officer of any rank whatsoever employed in or about the business of the land revenue, or of the surveys, assessment, accounts or records connected therewith:

Survey Officer.

(2) "survey officer" means an officer appointed under, or in the manner provided by section 17 of this Act:

Land.

(3) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory:

Estate.

(4) "estate" means any interest in land and the aggregate of such interests vested in a person or aggregate of persons capable of holding the same:

Survey number.

(5) "survey number" means a portion of land of which the area and other particulars are separately entered under an indicative number in the survey records of the village, town or city in which it is situated, and includes a recognised share of a survey number:

Recognised share of a survey number.

(6) "recognised share of a survey number" means subdivision of a survey number separately assessed and registered:

Building site.

(7) "building site" means a portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court-yard enclosed by, or adjacent to, any building erected thereupon:

Boundary mark.

(8) "boundary mark" means any erection, whether of earth, stone or other material, and also any hedge, vacant strip of ground, or other object, whether natural are artificial, set up, employed, or specified by a survey officer or other revenue officer having authority in that behalf, in order to designate the boundary of any division of land:

(Chapter I—Preliminary)

(9) "to hold land" means to be legally invested with a right to the possession and enjoyment or disposal of such land, either immediate or at the termination of tenancies legally subsisting: To hold land.

(10) "holder" or "landholder" signifies the person in whom a right to hold land is vested, whether solely on his own account or wholly or partly in trust for another person, or for a class of persons or for the public. It includes a mortgagee vested with a right to possession: Holder or landholder.

(11) "holding" signifies land over which such right extends: Holding.

(12) "tenant" signifies a person who holds by a right derived from a superior holder called his "landlord" or from his landlord's predecessors in title, and is, or, but for a special contract, would be liable to pay rent for such land to his landlord: Tenant, landlord.

(13) "rent" signifies whatsoever is paid or delivered in money or kind, or whatever service is rendered, by a tenant on account of the use or occupation of land let to him. Rent.

(14) "superior holder" signifies a holder entitled to receive from other holders rent or land revenue on account of lands held by them, whether or not such holder pays land revenue to Government on account of such lands: Superior holder.

(15) "inferior holder" signifies a holder liable to pay rent or land revenue to a superior holder: Inferior holder.

(16) "occupant" signifies a holder of unalienated land, or when there are more holders than one, the holder having the highest right in respect of any such land, or where such highest right vests equally in more holders than one, any one of such holders: Occupant.

(17) "registered occupant" signifies a sole occupant or the eldest or principal of several joint occupants whose name is authorizedly entered in the Government records as holding unalienated land whether in person or by his co-occupant, tenant, agent, servant, or other legal representative: Registered occupant.

(18) "occupancy" signifies the sum of the rights vested in an occupant as such: Occupancy.

(Chapter II—Constitution and Powers of Revenue Officers)

Alienated. (19) "alienated" means transferred in so far as rights of Government to payment of the rent or land revenue are concerned, wholly or partially, to the ownership of any person.

Village, town or city. (20) the word "village", "town" or "city" includes all lands belonging to such village, town or city:

Revenue year. [1][(21) the words 'revenue year' mean the period from and exclusive of the 30th June of one calendar year until and inclusive of the 30th June in the next calendar year. The revenue year 1891-92 shall consist of fifteen months running from 1st April 1891 to 30th June 1892, both days inclusive:]

Section. (22) "section" means a section of this Act:

This Chapter. (23) the words "this Chapter" mean the Chapter of this Act in which those words occur:

Village accountant. (24) "village accountant" means the officiator shanbhog, and includes every person performing any of the duties of the shanbhog.

Government. (25) "Government" means the Government of His Highness the Maharaja of Mysore.

CHAPTER II.

CONSTITUTION AND POWERS OF REVENUE OFFICERS.

Chief Controlling authority in revenue matters. [2][4. (1) The Chief Controlling authority in all matters connected with the land revenue is vested in the Revenue Commissioner, subject to Government.

Powers and duties of Revenue Commissioner. (2) The Revenue Commissioner shall be appointed by Government, and shall exercise the powers and discharge the duties conferred and imposed on the Revenue Commissioner under this Act, or under any other law for the time being in force, and so far as is consistent therewith, all such other powers or duties of appeal, superintendence and control within the [3][whole of the State of Mysore except Bellary District,] and over the officers subordinate to him, as may, from time to time, be prescribed by Government.

1. Substituted by Act III of 1892.
2. Substituted by Act VI of 1906
3. See the Mysore Adaptation of Laws Order, 1956.

(Chapter II—Constitution and Powers of Revenue Officers)

(3) The Revenue Commissioner shall have such number of Assistants as the Government may, from time to time, sanction, their appointment being made by Government. Assistants so appointed shall perform such duties as the Revenue Commissioner may, from time to time, direct.] Assistants to Revenue Commissioner.

5. The [1][whole of the State of Mysore except Bellary District] shall be divided into such manner of districts with such limits as may, from time to time, be prescribed by a duly published order of the Government. Mysore to be divided into districts.

And each such district shall consist of such number of taluks, and each taluk shall consist of such number of villages, as may, from time to time, be prescribed in a duly published order of the Government. A district to consist of taluks, and a taluk of villages.

The present districts, taluks and villages shall remain as they are for the purposes of this Act until altered by the Government. Present districts, taluks, etc.

6. The Government shall appoint in each district an officer who shall be called the Deputy Commissioner of the district, [2][and shall be subordinate to the Revenue Commissioner] and who may exercise, throughout his district, all the powers and discharge all the duties conferred and imposed on a Deputy and Assistant Commissioner by this Act, or any other law for the time being in force, and in all matters not specially provided for by law shall act according to the instructions of the Government. Deputy Commissioner of district.

7. The Government may appoint to each district as many Assistant Commissioners as it may deem expedient. Assistant Commissioners.

All such Assistant Commissioners and all other officers employed in the land revenue administration of the district shall be subordinate to the Deputy Commissioner. To be subordinate to Deputy Commissioner.

8. (1) The Government may place any Assistant Commissioner in-charge of the revenue administration of one or more of the taluks in a district. Assistant Commissioners in charge of taluks.

(2) Any Assistant Commissioner thus placed in-charge shall, so far as regards the taluk or taluks in his charge, perform such of the duties and exercise such of the powers imposed and conferred upon the Deputy Commissioner by Their duties and powers.

1. See the Mysore Adaptation of Laws Order, 1953.
2. Inserted by Act VI of 1906.

this Act, or by any other law at the time being in force, as the Government may, by a general or special order, from time to time, direct.[1]* * * * *

(3) To such Assistant Commissioner as may not be placed in charge of taluks, the Deputy Commissioner shall, under the general or special orders of the Government, assign such particular duties and powers as he may, from time to time, see fit.

Deputy Commissioner of district in case of temporary vacancy.

9. If the Deputy Commissioner is disabled from performing his duties, or for any reason vacates his office, or leaves his district, or dies, his Assistant of highest rank present in the district shall, unless other provision has been made by the Government, succeed temporarily to his office and shall be held to be the Deputy Commissioner of the district under this Act, until the Deputy Commissioner resumes charge of his district, or until the Government appoints a successor to the former Deputy Commissioner, and such successor takes charge of his appointment.

The Amildar and his appointment.

10. The chief officer entrusted with the local revenue administration of a taluk shall be called an Amildar. He shall be appointed by the Government.

His duties and powers.

His duties and powers shall be such as may be expressly imposed or conferred upon him by this Act, or by any other law for the time being in force, or as may be imposed upon or delegated to him by the Deputy Commissioner under the general or special orders of the Government. He shall, after the passing of this Act, continue to perform the duties and exercise the powers at present performed and exercised by him until such time as he is otherwise directed by competent authority.

The Deputy Amildar, his duties and powers.

11. Whenever it may appear necessary, the Government may appoint a Deputy Amildar to be in charge of a defined portion of a taluk and may assign to him within his local limits such of the duties and powers of an Amildar as may, from time to time, be considered necessary. The Deputy Amildar's immediate superior authority shall, for the purposes of section 210 of this Act, be deemed to be the Assistant Commissioner in charge of the taluk, or, if no Assistant Commissioner is placed in charge of the taluk, the Deputy Commissioner.

1. Certain words were omitted by Act VI of 1906.

(Chapter II—Constitution and Powers of Revenue Officers)

Amildar or Deputy Amildar may depute subordinates to perform certain of his duties.

12. It shall be competent to an Amildar or Deputy Amildar, subject to such general orders as may, from time to time, be passed by the [1][Revenue Commissioner] or by the Deputy Commissioner, to employ any of his subordinates to perform any portion of his ministerial duties:

Provided that all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Amildar or Deputy Amildar.

Amildar in case of temporary vacancy.

13. If an Amildar is disabled from performing his duties, or for any reason vacates his office or leaves his taluk, or dies, either the Deputy Amildar, or, if there is no Deputy Amildar in the taluk, the Sheristedar of the taluk shall succeed temporarily to the said Amildar's office, and shall be held to be the Amildar under this Act, until the Amildar resumes charge of his taluk, or until such time as a successor is duly appointed and takes charge of his appointment.

Stipendiary patel and village accountant to be appointed where no hereditary patel or village accountant exists.

14. In villages where no hereditary patel or village accountant exists, it shall be lawful for the Deputy Commissioner, under the general orders of the Government [2][and of the Revenue Commissioner] to appoint a stipendiary patel or village accountant, who shall perform respectively all the duties of hereditary patels or village accountants as hereinafter prescribed in this Act, or in any other law for the time being in force, and shall hold their situations under the rules in force with regard to subordinate revenue officers.

Saving of rights of holders of alienated villages.

Nothing in this section shall be held to affect any subsisting rights of holders of alienated villages or others in respect of the appointment of patels and village accountants in such alienated or other villages.

Village accountant to keep such records as he may be required to keep by Government.

15. [1][Subject to the general orders of Government, the Revenue Commissioner] shall prescribe, from time to time, what registers, accounts and other records shall be kept by the village accountant, and pending the first issue of orders under this section, the village accountant shall continue to keep all such registers, accounts and other records as he may hitherto have been required to keep.

And to prepare public writings.

It shall also be the duty of the village accountant to prepare, whenever called upon by the patel of his village

1. Substituted for the word "Government" by Act VI of 1906.
2. Inserted by Act VI of 1906.

or by any superior revenue or police officer of the taluk or district to do so, all writings connected with the concerns of the village which are required either for the use of the Government or the public, such as notices, reports of inquests, and depositions and examinations in criminal matters.

Holder of alienated village to keep such records as are prescribed by Government.

16. (1) Every holder of an alienated village shall be bound to keep such registers, accounts, and other records as may, from time to time, be prescribed by Government to be kept for alienated villages. He shall be responsible for the punctual and correct preparation of such registers, accounts and other records, and shall deposit with the Deputy Commissioner true copies of such of them as the Government may, either by a general or special order, from time to time direct.

Village accountant in alienated village to keep such records.

(2) Where there is a village accountant, it shall be his duty to prepare and keep the registers, accounts and other records referred to in this section, under the control of the holder of the alienated village or his agent.

Procedure on failure of holder of alienated village to keep registers, etc.

(3) When the holder of the alienated village fails to keep any registers, accounts or other records or to deposit copies of them with the Deputy Commissioner, in accordance with the provisions of this section, it shall be lawful for the Deputy Commissioner to cause such registers, accounts or other records or copies of them to be prepared by any other person and to levy the cost of such preparation from the holder of the alienated village, as if it were a revenue demand.

Survey officers.

17. For the purposes of Chapters VIII, IX and X of this Act, the Government may appoint such officers as it may, from time to time, consider necessary. Such officers shall be designated "Superintendent and Deputy Superintendent of Survey and Settlement", "Survey Settlement Officer", and "Assistant Superintendent", or otherwise as may seem requisite, and shall be subordinated one to the other, in such order as the Government may direct.

Their duties and powers.

Subject to the orders of the Government, the officers so appointed are vested with the cognizance of all matters connected with survey and settlement, and shall exercise all such powers and perform all such duties as may be prescribed by this or any other law for the time being in force.

(Chapter II—Constitution and Powers of Revenue Officers)

18. It shall be lawful for the Government to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter, or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient. Combination of offices.

19. The appointment of all officers mentioned in sections 6, 7, 8, 10, 11, 17 and 18 shall be duly notified in the Official Gazette. Certain appointments to be notified.

Any officer appointed to act temporarily for any such officer shall exercise the same powers and perform the same duties as might be performed or exercised by the officer for whom he is so appointed to act. Acting appointments.

20. Subject to the rules or orders made under section 233, the appointment of all members of the establishments of the undermentioned officers shall, unless otherwise directed by Government, be made by those officers respectively, namely,— Establishments.

[1][the Revenue Commissioner;]

the Deputy Commissioner;

the Superintendent of Survey;

any other officers whom the Government may hereafter direct.

The appointment of all members of the establishments of all other officers mentioned in the foregoing sections of this Chapter and the appointment of all other subordinate revenue officers not hereinbefore provided for, shall be made in their respective departments by the Deputy Commissioner and the Superintendent of Survey:

Provided that it shall be lawful for them to delegate such portion of this power as they may deem fit to any subordinate officer, but subject to the retention of a right of revision at any time of the appointments which may be made by such subordinate officers.

[2] * * * *

21. The Government shall, from time to time, by notification prescribe what revenue officers shall use a seal and what size and description of seal shall be used by each of such officers. Pending the issue of the first orders under this section, the seals hitherto used shall continue to be used by such officers as have used them. Seals.

1. Inserted by Act VI of 1906.
2. The second proviso was omitted by Act VII of 1919.

(*Chapter III—Of the Security to be furnished by certain Revenue Officers and the Liability of Principals and Sureties.*)

CHAPTER III.

OF THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE OFFICERS AND THE LIABILITY OF PRINCIPALS AND SURETIES.

Government to direct what officers shall furnish security and for what amount.

22. It shall be lawful for the Government to direct that such revenue officers as it deems fit shall, previously to entering upon their office, furnish security to such amount as Government may in each case deem expedient, either by deposit of Government paper duly endorsed, accompanied by power to sell, or by deposit of cash in a Government Treasury or Government Savings Bank to the credit of the Government, or by the conveyance to the Government of approved immovable property, whose estimated value may bear to the amount of security required any proportion prescribed by the Government, or by a bond in the form contained in Schedule B to this Act.

The amount for which such security shall be furnished may be varied, from time to time, by order of the Government, which shall also determine the number of sureties to be required when security is taken in the form of Schedule B.

Fresh or additional security.

23. The Deputy Commissioner or the Superintendent of Survey may, at any time after security has been given by a revenue officer subordinate to him, if it appear to him that the security taken is unsatisfactory, or if the officer is transferred to an office for which large security is required, or for other sufficient reason, demand fresh or additional security, and, in case of the officer failing to give such security within such time not less than one month as the Deputy Commissioner or Superintendent of Survey may fix after its being required of him, may suspend or dismiss him:

Proviso.

Provided always that no greater security shall be demanded than is required by the orders of the Government under the last preceding section.

Demands for money, papers, etc., to be made known in writing to persons concerned.

24. The Deputy Commissioner or the Superintendent of Survey, or any officer deputed by the Deputy Commissioner or Superintendent of Survey for this purpose, shall, in all cases in which he may have a claim on any revenue officer or any person formerly employed as such in his district or department for public money or papers or

(*Chapter III—Of the Security to be furnished by certain Revenue Officers and the Liability of Principals and Sureties*).

other Government property, by writing under his official seal, if he use one, and signature, require the money or the particular papers or property detained to be delivered either immediately to the person bearing the said writing, or to such person on such date and at such place as the writing may specify.

Who may be arrested and confined in jail if he fails to produce them.

If the officer or other person as aforesaid shall not discharge the money, or deliver up the papers or property as directed, or fail to assign sufficient cause for non-compliance with the requisition made as aforesaid, the Deputy Commissioner or the Superintendent of Survey may cause him to be apprehended, and may send him with a warrant, in the form of Schedule C, to be confined in the civil jail till he discharges the sums or delivers up the papers or property demanded from him:

Confinement not to exceed one month.

Provided that no person shall be detained in confinement by virtue of such warrant for a longer period than one calendar month.

Public moneys may also be recovered as arrears of revenue.

25. The Deputy Commissioner, of his own motion, if the officer or other person is or was serving in his department and district, and upon the application of the Superintendent of Survey if such officer or person is or was serving in the Survey Department in his district, may also take proceedings to recover any public moneys due by him in the same manner and subject to the same rules as are laid down in this Act for the recovery of the arrears of land revenue from defaulters; and for the purpose of recovering public papers or other property appertaining to Government, may issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Criminal Procedure Code, 1882.[1]

Search warrants may be issued for recovery of papers or property.

Persons in possession of public monoys, etc., bound to give them up.

It shall be the duty of all persons in possession of such public moneys, papers or other property appertaining to Government to make over the same forthwith to the Deputy Commissioner, and every person knowing where any such property is concealed shall be bound to give information of the same to the Deputy Commissioner.

Surety liable in the same manner as principal.

26. The surety or sureties of such officer or other person as aforesaid, who may enter into a bond in the form of

1. See now Chapter VI of Act II of 1904.

(*Chapter III—Of the Security to be furnished by certain Revenue Officers and the Liability of Principals and Sureties.*)

Schedule B, shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against in case of default, and notwithstanding such principal may be so proceeded against:

Extent of liability.

Provided always that in any case of failure to discharge or make good any sum of money due to Government or to produce any property of Government of ascertained value, no greater sum than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the principal, shall be recovered from the surety or sureties, as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them:

Surety or sureties not liable to imprisonment if penalty be paid.

And provided also that the said surety or sureties shall in no case be liable to imprisonment in default of producing public papers or property, if he or they pay into the Government Treasury the whole or such part of the penalty named in the bond as may be demanded.

An officer or surety in jail may, by furnishing certain security, obtain his release.

27. If an officer or other person as aforesaid, or his surety or sureties, against whom a demand is made, shall give sufficient security in the form of Schedule D, the Deputy Commissioner or Superintendent of Survey, as the case may be, shall cause such officer or surety if in custody to be liberated, and countermand the sale of any property that may have been attached, and restore it to the owner or other person from whose possession such property may have been seized.

Liability of surety not affected by death of principal or by his taking different appointment.

28. The liability of the surety or the sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required under section 22 and until his bond is cancelled.

Liability of heirs of deceased officer.

The heirs of a deceased officer shall be bound to deliver to Government all public money or papers or other Government property which may have come into their possession or control, and they may be proceeded against in the same manner as the deceased officer, if alive, could have been proceeded against:

(*Chapter IV—Of certain Acts prohibited to Revenue Officers and of their Punishment for Misconduct*).

Provided that when money is claimed, the heirs shall be liable only to the extent of assets inherited by them from the deceased.

How surety may withdraw from further liability.

29. Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time, on his stating in writing to the officer to whom the bond has been given, that he desires so to withdraw; and his responsibility under the bond shall cease after sixty days from the date on which he gives such writing, as to all demands upon his principal concerning moneys, papers or other property for which his principal may become chargeable after the expiration of such period of sixty days, but shall not cease as to any demands for which his principal may have become liable before the expiration of such period, even though the facts establishing such liability may not be discovered till afterwards.

CHAPTER IV.

OF CERTAIN ACTS PROHIBITED TO REVENUE OFFICERS AND OF THEIR PUNISHMENT FOR MISCONDUCT.

Prohibited acts.

30. (1) No revenue officer shall, except with the express permission of the Government,—

Not to trade.

(*a*) engage in trade, or be in any way concerned, directly or indirectly, either as principal or agent, in any commercial transaction whatever; or

Not to purchase at public sale.

(*b*) purchase, or bid for, either in person or by agent or in his own name, or in the name of another, or jointly, or in shares with others, any property which may, under the provisions of this Act or of any other law for the time being in force, be sold by order of any revenue or judicial authority in the district in which such officer is at the time employed.

(2) And no revenue officer shall—

Not to make private use of public money or property.

(*a*) derive either for himself or for any other individual any profit or advantage beyond his lawful salary or emolument from any public money or property with the collection or charge of which he is entrusted or connected; or

(Chapter IV—Of certain Acts prohibited to Revenue Officers and of their Punishment for Misconduct).

Not to make or receive undue exactions or presents.

(*b*) demand or receive under the colour or by the exercise of his authority as such revenue officer or by way of gratification or otherwise, or knowingly permit any other person to demand or receive on his behalf, any sum or any consideration whatever over and above what he is legally entitled to demand or receive under the provisions of this Act or of any other law for the time being in force :

Proviso.

Provided that the restriction mentioned in paragraph (1) of this section shall not apply—

(*a*) to a village officer, or

(*b*) to a revenue officer under the grade of a Taluk Sheristedar who may have obtained the permission of the Deputy Commissioner or Superintendent of Survey to whom he may be subordinate, as the case may be, unless such officer is himself appointed to conduct the sale under paragraph (1) (*b*).

Power of fining, reducing suspending and dismissing in whom to vest.

31. Subject to rules or orders made under section 233, all revenue officers may be fined, reduced, suspended or dismissed for any such offence as is described in the last preceding section, or for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty, or other misconduct, by the authority by whom such officer is appointed, or by any authority superior to such authority ; and this power may be delegated by such first named authority in whole or in part to any subordinate officer on the same condition that the power of appointment may be delegated under section 20.

All such orders to be made in writing.

32. When any revenue officer passes an order for fining, reducing, suspending or dismissing any subordinate officer, he shall record such order or cause the same to be recorded, together with the reasons therefor, in writing under his signature in the Kanarese language or in English.

Appeals againt such orders.

An appeal against an order under this section shall lie to the authority immediately superior to the officer passing the order, and the decision of such authority shall be final, except in cases in which the subordinate fined, reduced, suspended or dismissed is a Taluk Sheristedar or

has been drawing a monthly salary exceeding Rs. 40, in which case there shall be an appeal to [1][the Revenue Commissioner.]

Fine not to exceed two months' pay.

33. No fine inflicted under the foregoing provisions shall in any case exceed the amount of two months' pay of the office held by the offender at the time of the commission of the offence.

And how recovered.

34. All fines inflicted under this Chapter may be recovered from the officer's pay, or, if necessary, may be realized in the same way as arrears of land revenue are recoverable under this Act.

Liability to criminal prosecution not affected.

35. Nothing in this Chapter shall affect any officer's liability to a criminal prosecution for any offence with which he may be charged.

Officer may be suspended during trial and subsequently suspended, reduced or dismissed.

Any officer subjected to such prosecution may be suspended pending the trial, and at its close may, upon a consideration of the circumstances brought to light during its course, be suspended, reduced or dismissed by any competent authority, whether he had been found guilty or not.

CHAPTER V.

OF LAND AND REVENUE.

Land.

Public roads etc., and landt which are no, the property of others, belong to Government.

36. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of rivers, streams, *nalas,* lakes and tanks, and all canals, and water courses and all standing and flowing water, and all lands wherever situated, which are not the property of individuals, or of aggregates of individuals legally capable of holding property, and except in so far as any rights of such individuals may be established in or over the same, and except as may be otherwise provided in any law for the time being in force, are and are hereby declared to be, with all rights in or over the same, or appertaining thereto, the property of Government; and it shall be lawful for the Deputy Commissioner [2][subject to the orders of the Revenue Commissioner] to dispose of them, in such

1. Substituted for the word 'Government' by Act VI of 1906.
2. Inserted by Act VI of 1906.

manner, as may be authorised [1][by general rules sanctioned by Government,] subject always to the right of way, and all other rights of the public or individuals legally subsisting.

Encroachments upon public roads, streets, etc.

37. When it is proved on a formal enquiry before the Deputy Commissioner that any public road, street or thoroughfare, or any place of public resort or use, or the bed of any river, stream, *nala*, tank or canal, the property of Government, has been encroached upon by any person, the Deputy Commissioner may take possession of the part encroached upon, unless such part is shown to have been held for a period of not less than twelve years. It shall be lawful for the Deputy Commissioner to clear such land by the removal of any buildings or other obstruction, in the event of the person in occupation thereof, or other persons interested, after written notice of not less than one month shall have been served upon him, failing to do so himself.

Right to metals and minerals to vest in Government.

38. Unless it is otherwise expressly provided by the terms of any grant made, or of any other instrument of transfer executed by the Government for the time being, the right to all precious metals, precious stones, coal and other minerals to be extracted by any process of mining from any lands whatsoever, shall vest absolutely in the Government, and the Government shall have all the powers necessary for the proper enjoyment or disposal of such rights:

Provisos.

Provided that—

(1) Nothing in this section shall be deemed to apply to lime-stone, granite and such other ordinary minerals as the Government, by notification in the Official Gazette, may from time to time exempt from the scope of this section;

(2) If, for the purpose of exercising any of the rights referred to in this section either by the Government or by any person acquiring such rights from the Government, any land in the holding or enjoyment of others is required, such land may be acquired in accordance with [2][the Land Acquisition Act VII of 1894], and whenever, in the exercise of the rights aforesaid, any damage be

1. Inserted by Act VI of 1906.
2. Substituted for "the Land Acquisition Act X of 1870" by Act VII of 1894.

caused to any holder of land by the disturbance of the surface of such land, and such holder and the Government be unable to agree as to the amount of compensation to be paid to such holder for such damage, the same shall be determined in accordance with the procedure prescribed by [1][the Land Acquisition Act VII of 1894.]

(3) Any person claiming a right to minerals by the terms of any grant or other instrument now in existence shall, within five years after the passing of this Act, prefer his claim in writing to the Deputy Commissioner of the district in which the land in respect of which the right is claimed is situate, who shall hold a formal inquiry into the claim, record his opinion thereupon, and submit the proceedings to the Superintendent of Inam Settlement or such other officer as the Government may specially appoint in this behalf. The Superintendent of Inam Settlement or such other officer as aforesaid, shall thereupon fix a day for the hearing of the claim and give notice thereof to all parties interested therein, and, after hearing such of them as may appear, shall pass his decision thereon.

(4) Subject to the provisions contained in sections 5 to 25 inclusive of the Limitation Act, the claim shall be held to be barred by limitation if not made within five years after the passing of this Act.

(5) An appeal shall lie to the High Court from any decision passed under this section by the Superintendent of Inam Settlement or such other officer as aforesaid, provided that the appeal be presented within ninety days of the date of such decision. But the High Court shall not set aside or modify any such decision otherwise than upon the merits, for any want of form or irregularity in procedure, or without notice to the Government of the hearing of the appeal.

(6) The decision passed under this section by the Superintendent of Inam Settlement or such other

1. Substituted for "the Land Acquisition Act X of 1870" by Act VII of 1894.

officer as aforesaid, or if an appeal be preferred therefrom to the High Court, then the decision of the High Court on such appeal, shall be a final adjudication of the claim.

(7) Claim to rights to minerals shall not be cognizable by tribunals except as above provided.

Lands may be assigned for special purposes and where so assigned shall not be otherwise appropriated without the sanction of Government.

[1]**39.** Subject to the general orders of the Government, [2][it shall be lawful for Survey Officers] whilst survey operations are proceeding under Chapter VIII of this Act and at any other time for the [2][Deputy Commissioner] to set apart lands, the property of Government and not in the lawful occupation of any person or aggregate of persons in unalienated villages or unalienated portions of villages, for free pasturage for the village cattle, for forest reserves, or for other public or municipal purpose ; and lands assigned specially for any such purpose shall not be otherwise appropriated or assigned without the sanction of the [2][Deputy Commissioner,] and in the disposal of land under section 36, due regard shall be had to all such special assignments.

Regulation of use of pasturage.

40. The right of grazing on free pasturage lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, either by custom or by an express order of the Survey Officer or the Deputy Commissioner and shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Deputy Commissioner, subject to such general rules, if any, as may be prescribed by the [3][Revenue Commissioner]. The Deputy Commissioner's decision as to the said right of grazing shall be final.

Right to trees in village to which survey settlement has not been introduced.

41. (1) In villages or portions of villages to which a survey settlement has not been introduced under Bombay Act I of 1865 or under Chapter VIII of this Act the right to all trees, except such as are reserved by Government under any law relating to forests for the time being in force, shall be deemed to vest in the occupant, if any, of the land upon which they may be standing except when such trees are the property of the Government or of individuals, in which case it shall be competent for Government to transfer the right in question to the

1. As amended by Act VI of 1906.
2. Substituted for the words 'Revenue Commissioner' by Act VII of 1919.
3. Substituted for the word "Government" by Act VI of 1906.

occupant under such rules as the Government, may from time to time, frame in that behalf.

Right to trees in unalienated land.

(2) In villages or portions of villages of which the original survey settlement has been completed before the passing of this Act, the right of Government to all trees in unalienated land, except trees reserved by Government, or by any Survey Officer, whether by express order made at or about the time of such settlement, or under any rule or general order in force at the time of such settlement, or by notification made and published at or any time after such settlement, shall be deemed to have been conceded to the occupant.

(3) In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of the Act, the right of Government to all trees in unalienated land shall be deemed to be conceded to the occupant of such land, except in so far as any such rights may be reserved by Government, or by any Survey Officer on behalf of Government, either expressly at or about the time of such settlement, or generally by notification made and published at any time previous to the completion of the survey settlement of such village or portion of a village.

(4) When permission to occupy land has been, or shall hereafter be, granted after the completion of the survey settlement of the village, or portion of village, in which such land is situate, the said permission shall be deemed to include the concession of the right of Government to all trees growing on that land which may not have been, or which shall not hereafter be, expressly reserved at the time of granting such permission, or which may not have been reserved under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village.

Government trees and forests.

42. The right to all trees specially reserved under the provisions of the last preceding section, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in the Government ; and such trees, brushwood, jungle or other natural product

shall be preserved or disposed of in such manner as Government may, from time to time, direct.

Road-side trees.

43. All road-side trees which have been planted and reared by or under the orders of, or at the expense of, Government or at the expense of local funds, vest in Government. But in the event of such trees dying, being blown down, or being cut down by order of the Deputy Commissioner, the timber shall become the property of the holder of the land in which they were growing : and the usufruct, including the lopping of such trees, shall also vest in the said holder, provided that the trees shall not be lopped, except under the orders of the Deputy Commissioner.

If the holder of any land in which such trees are growing shall so desire, and shall make an application to the Deputy Commissioner for the purpose at any time within two years from the date on which this Act shall come into operation, the Deputy Commissioner shall deduct the strip of land covered by the said trees from his holding and remit thenceforward the proportionate amount of land revenue due upon the strip so deducted. Any strip of land so deducted shall, with the trees upon it, vest thereafter in Government.

Recovery of value of trees, etc., unauthorizedly appropriated.

44. Any person who shall unauthorizedly fell and appropriate any trees or any portion thereof, or remove any other natural product which is the property of Government, shall be liable to Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, and shall also be liable to a fine not exceeding one hundred rupees, provided that the Deputy Commissioner may, instead of imposing a fine as aforesaid, institute criminal proceedings against him in respect of his said appropriation of Government property.

The decision of the Deputy Commissioner as to the value of such tree or portion thereof or other natural product shall be final.

Land Revenue.

All land liable to pay revenue unless specially exempted.

45. All land, whether applied to agricultural or other purposes, and wherever situate, is liable to the payment of land revenue to Government according to the rules hereinafter enacted, except such as may be wholly

exempted under the provisions of any special contract with the Government or any law for the time being in force.

Liability of alluvial lands to land revenue.

46. All alluvial lands, newly formed islands or abandoned river-beds, which vest under any law for the time being in force, in any holder of alienated land, shall be subject, in respect of liability to the payment of land revenue, to the same privileges, conditions or restrictions as are applicable to the orginal holding in virtue of which such lands, islands, or river-beds, so vest in the said holder; but no revenue shall be leviable in respect of any such lands, islands or river-beds until or unless the area of the same exceeds half an acre and also exceeds one-tenth of the area of the said original holding.

Remission of assessment in cases of diluvian.

47. Every holder of land paying revenue in respect thereof shall be entitled, subject to such rules as may be from time to time made in this behalf by the Government, to a decrease of assessment if any portion thereof, not being less than half an acre in extent, nor less than one-tenth of the holding, is lost by diluvian.

Land Revenue upon what descriptions of land chargeable.

48. The land revenue leviable under the provisions of this Act shall be chargeable—

(*a*) upon land appropriated for purposes of agriculture;

(*b*) upon land from which any other profit or advantage than that ordinarily acquired by agriculture is derived;

(*c*) upon land appropriated for building sites.

Assessment subject to variation if purpose for which land is held is changed.

And the assessment fixed under the provisions of this Act upon any land appropriated for any one of the above purposes shall be liable to be altered and fixed at a different rate when such land is appropriated for any other purpose, notwithstanding that the term, if any, for which such assessment was fixed may not have expired.

Land held rent-free for one purpose liable to assessment if used for another purpose.

When any land which is situated in an unalienated village, or which, being situated in an alienated village, is excluded from the assets thereof, has been allowed by Government to be held free of assessment or on a reduced assessment on conditions of its being appropriated to one purpose, it shall become liable to be charged with full assessment, if at any time it ceases to be appropriated for such purpose.

Appropriation of land to certain purposes may be prohibited.

It shall also be lawful for the Deputy Commissioner or for a survey officer, subject to rules or orders made in this behalf under section 233, to prohibit the appropriation of any unalienated land liable to the payment of land revenue for certain purposes, and summarily evict any holder who may appropriate, or attempt to appropriate, the same to such prohibited purposes.

Commuted assessment of land indirectly taxed to the State.

49. (1) When it has been customary to levy any special or extra cess, fine or tax, however designated, from any holder of land, which, though nominally wholly or partially exempt from the payment of land revenue, has, by the exaction of such cess, fine or tax, been indirectly taxed to the State;

And of land liable to occasional assessment.

or, when any land ordinarily, or under certain circumstances, wholly or partially exempt from assessment, is subject occasionally, or under particular circumstances, to the payment of assessment, or of any cess, or tax, however designated;

the said assessment, cess, fine, or tax may be commuted into an annual assessment on the land to be paid under all circumstances; but such commuted assessment shall not exceed such amount as the [1] [Revenue Commissioner] shall deem to be a fair equivalent of the assessment, cess, fine or tax for which it is substituted, and shall not be in excess of the assessment to which the land would be ordinarily subject if no right to exemption existed in respect thereof.

Superior holder may recover commuted assessment from inferior holder.

(2) Whenever any such cess, fine or tax hitherto payable by an inferior holder shall be made leviable from the superior holder, it shall be lawful for such superior holder to recover from such inferior holder the amount of the commuted assessment fixed in lieu of such cess, fine or tax.

Excess of assessment may be levied on land inadequately assessed held with it.

(3) When it has been customary to levy a larger revenue upon any portion of land than such portion would ordinarily be liable to, in consideration of other land being held with it, which is wholly or partially exempt from payment of revenue, the excess of revenue payable on the said portion of land may be charged upon the land hitherto held, wholly or partially exempt.

1. Substituted for the word 'Government' by Act VI of 1906.

(Chapter V—Of Land and Revenue).

Assessment by whom to be fixed.

50. On all lands not wholly exempt from payment of land revenue, and not within the local operation of an order made under section 106, the assessment of the amount to be paid as land revenue shall be fixed at the discretion of the Deputy Commissioner, subject to rules or orders made in this behalf under section 233, and the amounts due according to such assessment shall be levied on all such lands:

Proviso.

Provided that in the case of lands partially exempt from land revenue, or the liability of which to payment of land revenue is subject to special conditions or restrictions, respect shall be had, in the fixing of the asessment and the levy of the revenue, to all rights legally subsisting, according to the nature of the said rights.

Register of alienated lands.

51. A register shall be kept by the Deputy Commissioner in such form as may, from time to time, be prescribed by the Government, of all lands the alienation of which has been established or recognised under the provisions of any law for the time being in force; and when it shall be shown to the satisfaction of the Deputy Commissioner that a sannad granted in relation to any such alienated lands has been permanently lost or destroyed, he may, subject to the rules and the payment of the fees prescribed by the Government under section 232, grant to any person whom he may deem entitled to the same, a certified extract from the said register which shall be endorsed by the Deputy Commissioner to the effect that it has been issued in lieu of the sannad said to have been lost or destroyed, and shall be deemed to be as valid a proof of title as the said sannad.

Settlement of assessment to be made with the holder directly from Government.

52. The settlement of the assessment of each portion of land, or survey number, to the land revenue, shall be made with the person who, under section 142, is primarily responsible to Government for the same.

Or, if he be absent and have left no agent with the next holder.

If the said person be absent and have left no known authorized agent in the District, so that the settlement of the assessment cannot be concluded with him, such settlement may be made with the person holding under him, or in occupation of the land.

Rates for the use of water

53. The Government may authorize the Deputy Commissioner or the officer in charge of a survey, or such

other officer as it appoints to fix such rates as it may, from time to time, deem fit to sanction for the use, by land-holders and other persons, of water the right to which vests in Government, or which has been made available in consequence of the construction, improvement or repair of any irrigational or other work by Government [1][or by a private person acting under the written authority of Government.] Such rates shall be liable to revision at such periods as Government shall from time to time determine, and shall be recoverable as land revenue.

Land revenue a paramount charge on the land.

54. [2][Arrears of land revenue due on account of land by any land-holder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding, together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land, or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Deputy Commissioner may levy all sums in arrear by sale of the occupancy or alienated holding, or may otherwise dispose of such occupancy or alienated holding under rules or orders made in this behalf under section 233, and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by transfer to another person or otherwise howsoever, except by restoration to the defaulter, shall, unless the Deputy Commissioner otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created by the occupant or holder or any of his predecessors in title or in anywise subsisting as against such occupant or holder,] [3][but so as not to affect the rights of kadim tenants or permanent tenants in alienated holdings.]

Forfeited holding may be taken possession of and otherwise disposed of.

55. It shall be lawful for the Deputy Commissioner, in the event of the forfeiture of a holding through any default in payment or other failure occasioning such forfeiture under the last preceding section or any law for the time being in force, to take immediate possession of the land embraced within such holding, and to dispose of the same by placing it in the possession of the purchaser or

1. Inserted by Act 1 of 1891.
2. Substituted by Act VIII of 1910.
3. Added by Act XVII of 1928.

other person entitled to hold it according to the provisions of this Act or any other law for the time being in force.

Receipts to be granted by revenue officers for payments of land revenue.

56. Every revenue officer, receiving payment of land revenue shall give a written receipt for the same.

And by superior holders for payments of rent or revenue.

And every superior holder of an alienated village or of an alienated share of a village, or a duly authorized agent of such superior holder, shall give a written receipt for every payment of rent or land revenue made to him by an inferior holder.

Penalty for failure to grant receipts

57. Any person convicted of a breach of the provisions of the last preceding section, after summary enquiry before the Deputy Commissioner, shall be liable to a fine not exceeding three times the amount received for which receipt was not duly granted.

CHAPTER VI.

OF THE OCCUPATION OF UNALIENATED LAND AND THE RIGHTS OF OCCUPANTS.

Occupation.

Written permission of Amildar required previous to taking up unoccupied land.

58. Any person desirous of taking up unoccupied land which has not been alienated must, previously to entering upon occupation, obtain the permission in writing of the Amildar or Deputy Amildar, or as may be provided under rules made in this behalf under section 233.

Penalties for unauthorised occupation of land.

59. Any person who shall unauthorizedly occupy any land set apart for any special purpose, or any unoccupied land which has not been alienated, shall,

if the land which he unauthorizedly occupies forms part of an assessed survey number, pay the assessment of the entire number for the whole period of his occupation; and

if the land so occupied by him has not been assessed, such amount of assessment as would be leviable for the

said period in the same village on the same extent of similar land appropriated to the same purpose;

and shall also be liable, at the discretion of the Deputy Commissioner, to a fine not exceeding five rupees, or a sum equal to ten times the amount of assessment payable by him for one year, if such sum be in excess of five rupees, if he have taken up the land for purposes of cultivation, and not exceeding such limits as may be fixed in rules or orders made in this behalf under section 233 if he have appropriated it to any non-agricultural purpose.

The Deputy Commissioner's decision as to the amount of assessment payable for the land unauthorizedly occupied shall be final, and in determining the amount of assessment payable for the land unauthorizedly occupied, occupation for an incomplete portion of a year shall be counted as for a whole year.

The person unauthorizedly occupying any such land may be summarily evicted by the Deputy Commissioner, and any crops he may have raised on the land shall be liable to forfeiture, and any building or other construction he may have erected thereon shall also, if not removed by him after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture.

Forfeiture under this section shall be adjudged by the Deputy Commissioner, and any property so forfeited shall be disposed of as the Deputy Commissioner may direct.

[1][On the application of the holder of an alienated village or on complaint by any aggrieved person, the Deputy Commissioner may exercise in respect of any lands situated in the alienated village the powers vested in him under this section.]

Occupancy rights to be paid for and to be liable to certain conditions.

60. It shall be competent to the Deputy Commissioner, subject to such orders as may from time to time be made by the Government, to require the payment of a certain price for the occupancy, or to sell that right by auction, and to annex such conditions to the occupancy as may seem fit, before permission to occupy is granted under section 58.

Price to include price of trees.

The price of an occupancy shall, unless otherwise directed by the terms of the sale, include the price of the

1. Added by Act XVII of 1928.

(Chapter VI—Of the Occupation of Unalienated Land and the Rights of Occupants.)

Government right to all trees not reserved under the provisions of section 41, and shall be recoverable as an arrear of land revenue.

Occupancy of alluvial land which vests in Government.

61. When it appears to the Deputy Commissioner that the occupancy of any alluvial land which vests, under any law for the time being in force, in Government, may, with due regard to the interests of the public revenue, be disposed of in perpetuity, or otherwise as the Government may direct by rules or orders made in this behalf under section 233, he shall offer the prior right of occupancy thereof to the occupant, if any, of the bank or shore on which such alluvial land has formed.

The price of an occupancy so offered shall not exceed three times the annual assessment of the land. of which the occupancy is offered.

If the said occupant shall refuse such occupancy, the Deputy Commissioner may dispose of the same under the last preceding section without any restrictions as to the price thereof.

Temporary right to alluvial land of small extent.

62. When alluvial land forms on any bank or shore, the occupant, if any, of such bank or shore shall be entitled to the temporary use and occupation thereof, unless or until the area of the same exceeds half an acre, and also exceeds one-tenth of the area of his holding. When the area of the alluvial land exceeds the said extent, it shall be at the disposal of the Deputy Commissioner, subject to the provisions of the last preceding section.

The word "holding," in this section and in section 47 shall be deemed to mean a survey number, or any division of land on which a distinct or aggregate assessment has been fixed.

Occupant's Rights.

Uses to which occupant of land for purposes of agriculture may put his land.

63. (1) An occupant of land appropriated for purposes of agriculture is entitled, by himself, his servants, tenants, agents, or other legal representatives, to erect farm-buildings and dwelling houses for agriculturists and their labourers, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land or its more convenient occupation for the purposes aforesaid.

(Chapter VI—Of the Occupation of Unalienated Land and the Rights of Occupants).

Procedure if the occupant wishes to apply his land to any other purpose.

(2) But if any occupant wishes to appropriate his holding or any part thereof to any other purpose, the Deputy Commissioner's permission shall, in the first place, be applied for by the registered occupant. The Deputy Commissioner, on receipt of such application, shall at once furnish the applicant with a written acknowledgment of its receipt, and, after inquiry, either grant or refuse the same, but if the applicant receives no answer within three months from the date of the said acknowledgment, the Deputy Commissioner's permission may be deemed to have been granted. Unless the Deputy Commissioner shall, in particular instances, otherwise direct, no such application shall be recognized, except it be made by the registered occupant.

Fine to be levied for such appropriation in addition to special assessment.

(3) When any such land is thus appropriated to any purpose unconnected with agriculture, it shall be lawful for the Deputy Commissioner, subject to general orders of Government, to require the payment of a fine in addition to any new assessment which may be leviable under the provisions of section 48.

Penalty for so appropriating land without permission.

64. If any such land be so appropriated without the permission of the Deputy Commissioner being first obtained or before the expiry of three months from the date of the said acknowledgment, the occupant and any tenant or other person holding under or through him shall be liable to be summarily evicted by the Deputy Commissioner from the land so appropriated, or from the entire field or survey number of which it may form a part, and the registered occupant shall also be liable to pay, in addition to the new assessment which may be leviable under the provisions of section 48, for the period during which the said land has been so appropriated, such fine as the Deputy Commissioner may, subject to the general orders of the Government, direct.

Co-occupant or tenant responsible to registered occupant in damages.

Any co-occupant or any tenant of any occupant, or any other person holding under or through an occupant, who shall, without any registered occupant's consent, appropriate any such land to any such purpose and thereby render the said registered occupant liable to the penalties aforesaid, shall be responsible to the said registered occupant in damages;

(Chapter VI—Of the Occupation of Unalienated Land and the Rights of Occupants).

Provided that the Deputy Commissioner may, instead of fining the registered occupant as aforesaid, fine any co-occupant or any tenant of any occupant, or any other person holding under or through an occupant, who may have, without the registered occupant's consent, appropriated any such land to any such purpose as aforesaid. Proviso.

[1][**64A.** The Deputy Commissioner may also exercise the powers under section 63 and section 64 in respect of land in an alienated village on the application of the holder thereof and in the case of villages to which section 99 (*d*) of the said Code does not apply, also on the application of the tenant of the land.] Deputy Commissioner's powers under sections 63 and 64 in alienated villages.

65. Nothing in the last two preceding sections shall prevent the granting of the permission aforesaid in special cases on such terms as may be agreed on between Government and the registered occupant. Permission may be granted on terms.

66. An occupant is entitled to the use and occupation of his land for the period, if any, to which the occupancy is limited, or, if the period is unlimited, in perpetuity, conditionally on the payment of the amounts due on account of the land revenue for the same according to the provisions of this Act, or of any rules made under this Act, or of any other law for the time being in force, and on the fulfilment of any other terms lawfully annexed to his occupancy. Occupants' rights are conditional.

[1][**66A.** (1) It shall be lawful for the Deputy Commissioner at any time to grant permission to any person to occupy unalienated unoccupied land for such purposes, for such period and on such conditions as he may, subject to rules made by Government in this behalf, prescribe, and in any such case the occupancy shall, whether a survey settlement has been extended to the land or not, be held only for the period and subject to the conditions so prescribed. Deputy Commissioner's power to grant permission to occupy land temporarily.

(2) Whenever any person occupying or in possession of any land granted under this section fails to comply with any of the conditions so prescribed, such person may be evicted by the Deputy Commissioner, after a summary inquiry.

1. Added by Act XVII of 1928.

(Chapter VI—Of the Occupation of Unalienated Land and the Rights of Occupants).

Transfer of occupancy without Deputy Commissioner's sanction.

66B. In any case where an occupancy is not transferable without the previous sanction of the Deputy Commissioner, and such sanction has not been granted to a transfer which has been made or which is ordered by a Civil Court or on which the Court's decree or order is founded.

(*a*) such occupancy shall not be liable to the process of any Court, and such transfer shall be null and void, and

(*b*) the Court, on receipt of a certificate under the hand and seal of the Deputy Commissioner to the effect that any such occupancy is not transferable without his previous sanction and that such sanction has not been granted, shall remove any attachment or other process placed on, or set aside any sale of, or affecting, such occupancy.]

Decree or order of Competent Court to be given effect to.

67. If, by a decree or order of a competent Court, it shall be adjudged that the occupant of any land is an inferior holder under another person, or that the occupancy is vested in another person, or if in the execution of such a decree or order the interests of the occupant in the land have been transferred by sale or otherwise to another person, such other person shall, on producing a certified copy of the decree or order, or the Court's certificate of the sale, or other transfer, be deemed to be the occupant and be dealt with accordingly, and on written application being made to the Deputy Commissioner for the purpose, such change shall be made in the entry of the registered occupant's name as the circumstances require.

Name of heir to be registered when registered occupant dies.

68. On the death of a registered occupant, the Deputy Commissioner shall cause the name of his eldest son, or other person appearing to be his heir or the principal of his heirs, to be registered in his stead, and the said heir shall thereafter be deemed the registered occupant, and, subject to the provisions of the last preceding section, shall be dealt with accordingly.

When entry to be amended.

69. If at any time any person shall, by production of a certificate of heirship or of a decree or order of a competent Court, satisfy the Deputy Commissioner that he is entitled to be the registered occupant in preference to the person whose name the Deputy Commissioner has

ordered to be registered under section 68, the Deputy Commissioner shall cause the entry in the Government records to be amended accordingly.

Right of occupancy to be transferable and heritable.

70. The right of occupancy shall be deemed an heritable and transferable property subject to the provisions contained in section 54, or otherwise prescribed by law, and shall immediately pass to the person whose agreement to become an occupant shall have been accepted by the Deputy Commissioner.

Relinquishment of Occupancy.

Occupant may relinquish his occupancy.

71. An occupant may, by giving written notice to the Amildar or Deputy Amildar, relinquish his occupancy, either absolutely or in favour of a specified person: provided that such relinquishment apply to the entire occupancy or to whole survey numbers, or recognized shares of survey numbers.

An occupancy absolutely relinquished shall be at the disposal of Government, and shall be disposed of by the Deputy Commissioner in accordance with such rules as may, from time to time, be framed by Government in that behalf.

An absolute relinquishment shall, unless otherwise directed by any special or general rules framed by Government, be deemed to have effect from the close of the current revenue year, and notice thereof must be given before the 31st March in such year, or before such other date as may be, from time to time, prescribed in this behalf for each district by the Government. A relinquishment in favour of a specified person may be made at any time.

When there are more occupants than one, the notice of relinquishment must be given by the registered occupant; and the person, if any, in whose favour an occupancy is relinquished, or, if such occupancy is relinquished in favour of more persons than one, the principal of such persons, must enter into a written agreement to become the registered occupant, and his name shall thereupon be substituted in the records for that of the previous registered occupant.

Relinquishment of lands paying a lump assessment.

72. When a lump assessment is fixed upon several fields or survey numbers in the aggregate, it shall not be lawful for the occupant to relinquish as aforesaid any one

or more of such fields or survey numbers except with the previous consent of the Deputy Commissioner. It shall be competent to the Deputy Commissioner to grant or refuse his consent; if he grants it, the occupancy shall be divided, and the Deputy Commissioner shall determine the proportional amount of land revenue to be paid by each portion of it, and the original occupant and the person, if any, in whose favour he relinquishes a portion of his occupancy, shall be held liable for the revenue severally assessed on their portions.

Relinquishment of alienated land.

73. The provisions of the last two sections shall apply, as far as may be, to the holders of alienated land:

Proviso.

Provided—

Relinquishment of land described in section 49.

(*a*) that it shall not be lawful to relinquish as aforesaid any portion of any land held wholly or partially exempt under the circumstances described in the first paragraph of section 49 until the commuted assessment payable in respect of such portion of land has been determined under the provisions of the said section; and

(*b*) that if any person relinquishes land on which, under the circumstances described in section 49, a larger revenue is levied than would ordinarily be leviable on such land, he shall be deemed to have relinquished also the land held with it which is wholly or partially exempt from payment of revenue.

Right of way to relinquished land.

74. If any person relinquishes land, the way to which lies through other land which he retains, the right of way through the land so retained shall continue to the future holder of the land relinquished.

Sections 72 and 73 not to operate in certain cases.

75. Nothing in sections 72 and 73 shall affect—

(*a*) the responsibility of any share in a village for the land revenue of which the shares are all, according to law or the custom of the village, jointly responsible, or

(*b*) the validity of the terms or conditions of any lease or other express instrument under which land is, or may hereafter be, held from Government.

(Chapter VI—Of the Occupation of Unalienated Land and the Rights of Occupants).

76. The registered occupant or the holder of alienated land shall continue liable for the land revenue due on the occupancy or alienated holding and for all other lawful demands of Government in respect of the same, until such time as the occupancy or alienated holding is relinquished or transferred, under any of the provisions of this Act, to the name of any other person ; and the Deputy Commissioner shall not be bound in any case to recognize any person to whom any interest in any portion of an occupancy or alienated holding has been assigned, unless the transfer has been recorded in the revenue records in accordance with the foregoing provisions.

Occupant or holder to continue liable for all demands until the occupancy or holding is duly relinquished or transferred.

Remedies against Forfeiture of Occupancies and Alienated Holdings.

77. In order to prevent the forfeiture of an occupancy or alienated holding under the provisions of section 54 or of any other law for the time being in force, through non-payment, by the registered occupant or by the holder of the alienated holding, of the land revenue due on account of the occupancy or alienated holding, it shall be lawful for any co-occupant, co-holder, co-sharer, tenant, mortgagee or other person interested in the continuance of the occupancy or alienated holding, to pay, on behalf of such registered occupant or holder, all sums due on account of land revenue, and for the Deputy Commissioner to receive the same.

To prevent forfeiture of occupancy, certain persons other than the registered occupant may pay the land revenue.

And in any such case, the Deputy Commissioner may give to the person who has paid the land revenue as aforesaid such aid for the recovery of the proportional amounts which he may consider to be properly payable by other persons in occupation or enjoyment of parts of a field or survey number or alienated holding as he might legally have given had the persons so paying been the registered occupants or holders of alienated holdings :

Provided that nothing authorized or done under the provisions of this section shall affect the rights of the parties interested as the same may be established in any suit between such parties in a Court of competent jurisdiction.

Proviso.

(Chapter VII—Of Superior and Inferior Holders).

Deputy Commissioner may in certain cases make co-occupant or other person registered occupant instead of selling occupancy for realization of land revenue.

78. If it shall appear to the Deputy Commissioner that a registered occupant or holder of an alienated holding has failed to pay land revenue, and has thus incurred forfeiture with a view to injure or defraud his co-occupants, co-holders, co-sharers or other persons interested in the continuance of the occupancy or alienated holding, or that a sale of the occupancy or alienated holding will operate unfairly to the prejudice of such co-occupants, co-holders, co-sharers or other persons, it shall be lawful for him, instead of selling the occupancy or alienated holding, to forfeit only the interest in the same of the said registered occupant or holder of alienated holding, as the case may be, and to substitute the name of any such co-occupant co-holder, co-sharer, or other person as registered occupant or holder thereof in the revenue records, on his payment of all sums due on account of land revenue for the occupancy or alienated holding; and such person so becoming the registered occupant or holder shall have the rights and remedies with respect to all other persons in occupation or enjoyment provided for by section 97.

CHAPTER VII.

Of Superior and Inferior Holders.

Tenancy.

Amount of rent payable by tenant.

79. A person placed, as tenant, in possession of land by another, or, in that capacity, holding, taking or retaining possession of land permissively from or by sufferance of another, shall be regarded as holding the same at the rent, or for the services, agreed upon between them; or, in the absence of satisfactory evidence of such agreement of the rent payable or services renderable by the usage of the locality, or, if there be no such agreement or usage, shall be presumed to hold at such rent as, having regard to all the circumstances of the case, shall be just and reasonable.

Duration of tenancy.

And where, by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement is forthcoming, and there is not any such evidence of the period of its intended duration, if any, agreed upon between the landlord and tenant, or those under whom they respectively claim title, or any usage of the locality as to duration

of such tenancy, it shall, as against the immediate landlord of the tenant, be presumed to be co-extensive with the duration of the tenure of such landlord and of those who derive title under him.

[1][*Explanation.*—In the following cases, such a presumption shall be raised—

(1) where the tenant has been recognised as a permanent tenant by the landlord or by a Court in a suit to which the landlord was a party;

(2) where a tenant holds land in respect of which any alienation has been recognised by the landlord or by a Court in a suit to which the landlord was a party or where the alienation has not been contested by the landlord for twelve years from the date of the service of notice of alienation to the landlord;

(3) where for the better cultivation of the holding the tenant has made permanent improvements thereon to the knowledge of the landlord and has been in undisturbed possession of the holding continuously for twelve years thereafter: provided that the landlord has made no contribution for such improvements nor recovered enhanced rent from the tenant nor given any notice in writing to the tenant that such improvements would not create any new rights;

(4) where, in the absence of a contract regarding the nature and duration of the tenancy, the tenant has established that he has been in continuous possession on payment of fixed rent for a period of [twelve][2] years or more.]

Presumption as to tenure.

And where there is no satisfactory evidence of the capacity in which a person in possession of land in respect of which he renders service or pays rent to the landlord, receives, holds or retains possession of the same, it shall be presumed that he is in possession as tenant.

Saving clause.

Nothing contained in this section shall affect the right of the landlord (if he have the same either by virtue of agreement, usage or otherwise) to enhance the rent payable, or services renderable, by the tenant, or to evict the

1. Added by Act XVII of 1928.
2. The word "twelve" was substituted for the word "twenty" by Act XVII of 1939.

tenant for non-payment of the rent, or non-rendition of the services, either respectively originally fixed or duly enhanced as aforesaid.

Annual tenancy terminates on 31st March.

80. An annual tenancy shall, in the absence of proof to the contrary, be presumed to run from the end of one cultivating season to the end of the next. The cultivating season may be presumed to end on the 31st March.

Three months' notice to be given by landlord and tenant for termination of tenancy.

An annual tenancy shall, in the absence of any special agreement to the contrary, require for its termination a notice given in writing by the landlord to the tenant or by the tenant to the landlord at least three months before the end of the year of tenancy at the end of which it is intimated that the tenancy is to cease. Such notice may be in the form of Schedule E or to the like effect.

Landlord to furnish tenant with written lease.

81. Every tenant is entitled to receive from his landlord a written lease containing the following particulars:—

(*a*) the quantity and description of land held by him, and where the fields have been numbered in the records of a Government survey or other public record, the number of each field;

(*b*) the amount of annual rent, if any, payable for such land;

(*c*) the instalments in which, and the dates on which, such rent is to be paid;

(*d*) any special conditions of the lease; and

(*e*) if the rent is payable in kind, the quantity or the share of produce to be delivered; and the time, manner and place of delivery.

Landlord entitled to written engagement from tenant.

82. Every landlord who grants a lease is entitled to receive a written reciprocal engagement from the tenant, executed by the tenant and in conformity with the terms of the lease. The tender to any tenant of a lease such as he is entitled to receive shall entitle the landlord to receive a reciprocal engagement from such tenant.

Leases or agreements fixing rent in perpetuity.

83. (1) Notwithstanding anything contained in section 79, where, before the passing of this Act, any lease has been granted or any agreement entered into fixing in perpetuity the rent of unalienated land, such lease or agreement shall, when the Government revenue payable in respect of such land is enhanced, be voidable at the option of the landlord, unless the tenant agrees to pay such rent as the Deputy Commissioner or other person

duly empowered in this behalf may, on the application of the landlord, determine to be fair and reasonable.

(2) When the Government revenue payable in respect of such land is reduced, such rent as the Deputy Commissioner or other person duly empowered in this behalf may, on the application of the tenant, determine to be fair and reasonable, shall be accepted by the landlord.

(3) The determination of the amount of rent under this section shall be such that the net profits accruing to the landlord therefrom are the same as before the enhancement or reduction of the Government revenue.

Rights of Tenants in Alienated Land.

"*Kadim* tenant" defined.

84. A tenant holding alienated land, whether situated in an alienated village or not, and paying to the superior holder of such land, by way of land revenue, a rent in money or in kind assessed at rates of land revenue assessment obtaining at the time when such land was alienated by Government, or at rates subsequently fixed in accordance with the established rates of land revenue assessment for the village, or at rates fixed by competent revenue authority or by a survey settlement, shall have a right to continue to hold such land at the rent hitherto paid for it, or, when such rent is altered in accordance with this Act, at the rent so altered.

Such a tenant shall be called a "*kadim* tenant."

Kadim tenant to have all rights conferred upon an occupant of unalienated land.

The payment of rent by the person or persons from whom a *kadim* tenant derives his title shall be the payment of rent by such tenant within the meaning of this section.

A *kadim* tenant shall have all rights which are conferred by this Act upon an occupant of unalienated land.

Superior holder may arrange his own terms of rent for alienated waste land.

85. In the case of alienated lands which are either immemorial waste lands or lands left unoccupied through voluntary relinquishment or otherwise, it shall be lawful for the superior holder, by means of a written agreement to arrange his own terms of rent with the applicants for such lands:

Provided that nothing in this section shall affect any special rights which, by law or usage having the force of law, are held by any individual or class of individuals in such waste or unoccupied lands.

(*Chapter VII—Of Superior and Inferior Holders*).

Extent to which rent payable by a *Kadim* tenant may be enhanced.

86. The rent payable by a *kadim* tenant shall not be liable to enhancement except—

(*a*) to the extent of the proper full assessment as fixed and recorded at a survey under sections [1][111 and 120] or under a revision of survey under section 115;

(*b*) to the extent necessary for re-imbursing the superior holder for any cesses assessable on lands which Government may newly impose upon him;

(*c*) to the extent of the additional value imparted to the holding by any work of irrigation or other improvement executed at the expense of the superior holder, or to the extent of any additional tax which he has been required to pay to Government by reason of the additional value imparted to the holding, whether by the use of Government water, or by any work of irrigation or other improvement executed at the expense of Government :

Proviso.

Provided that the enhancement of rent due to additional value imparted to a holding under this section shall be fixed in accordance with the established local usage of the village, or, where there is no such local usage, in accordance with rates of assessment prevailing in neighbouring villages as regards lands, alienated or unalienated, of similar quality with similar advantages; and

(*d*) to the extent of the increased area of the holding due to alluvion, but subject to the conditions specified in sections 46 and 62.

Grounds for abatement of rent payable by a *kadim* tenant.

87. The rent payable by a *kadim* tenant is liable to abatement—

(1) on the ground that the area of the land held by him has been diminished by diluvion or otherwise, by any cause beyond his control;

(2) to the extent of any reduction of assessment at a survey or revision of survey under sections [2][111, 115 and 120;]

(3) when there has been an enhancement of rent on any of the grounds specified in clauses (*b*) and (*c*)

1. Substituted for the word and figures "111, 120 and 236" by Act XVII of 1939.
2. Substituted for the word and figures "111, 115, 120 and 236" by Act XVII of 1939.

of section 86, to the extent to which such grounds have ceased to exist, as well as to the extent to which the holding has deteriorated in value, by reason of the superior holder's neglect to repair or maintain irrigation works and the consequent diminution of the supply of water for irrigation purposes.

Provision for remission of rent or land revenue payable by a *kadim* tenant in an alienated village.

[1][**87 A.** When owing to inadequate rainfall in any tract, the Government orders remission of assessment in respect of lands in the tract, the payment of the rent or land revenue by a *kadim* tenant to the superior holder in respect of a land in any alienated village comprised in such tract shall be remitted to an amount prescribed by rules by the Government, and the loss of rent or land revenue incurred by the said superior holder shall be divided between the Government and the said superior holder in the proportion of the land revenue payable by the said superior holder to the Government and the total assessment of the village less the land revenue payable by the said superior holder to the Government.]

Suit for enhancement or abatement of rent to be made to Deputy Commissioner.

88. Any person entitled to have rent enhanced or abated upon any of the grounds specified in sections 83, 86 and 87 may bring a suit before the Deputy Commissioner within whose district the land on account of which such rent is payable is situated, and such Deputy Commissioner shall decide the suit after holding a formal enquiry.

Nothing in sections 84 to 87 to bar the enhancement or abatement of rent by written agreement of landlord and tenant.

89. Notwithstanding anything contained in sections 84 to 87 (both inclusive), an enhancement or abatement of rent payable by a *kadim* tenant may be effected by agreement in writing between tenant and landlord duly registered in accordance with the provisions of any law for the time being in force relating to the registration of assurances, and Civil Courts may take cognizance of suits based upon such agreement.

Operation of decision for enhancement or abatement of rent from what date to commence.

90. Every decision for enhancement or abatement of rent passed by the Deputy Commissioner under section 88 shall, except when such decision otherwise expressly directs, take effect from the commencement of the revenue year next following the date of the filing of the suit.

1. Added by Act XVII of 1939.

(Chapter VII—Of Superior and Inferior Holders).

Terms of *kadim* tenant's leases.

91. *Kadim* tenants are entitled to receive leases at the rate hitherto paid by them or determined in accordance with the provisions of section 88.

Terms of leases for other tenants.

All other tenants are entitled to leases on such terms as may be agreed upon between them and their landlords.

On refusal of superior holder, tenant to apply to Deputy Commissioner for lease.

92. When any superior holder of alienated land shall, for three months after demand, have refused to grant such lease as his tenant was entitled to receive, it shall be lawful for the latter to proceed by filing a suit before the Deputy Commissioner, who shall, after a formal enquiry decide the terms of the lease to which the tenant is entitled, and direct the superior holder to grant him such lease, and shall further award to the tenant such costs and damages as may be shown to have been incurred by him.

On refusal of tenant to accept lease or to execute reciprocal engagement, superior holder to apply to Deputy Commissioner.

93. When any tenant holding alienated land shall, for one month after demand, have refused to accept such a lease as the superior holder of such land was entitled to grant, or to execute a reciprocal engagement under section 82, it shall be lawful for the superior holder to proceed by a suit before the Deputy Commissioner to enforce the acceptance of such lease. The Deputy Commissioner shall thereupon hold a formal enquiry to determine whether the lease offered is a proper one.

If he shall be of opinion that the lease is a proper one, he shall pass a decision directing the tenant to accept the lease and to execute a reciprocal engagement in accordance with it. If the Deputy Commissioner shall be of opinion that the lease offered is not a proper one, he shall decide what lease ought to be offered and shall pass a decision directing the tenant to accept such lease and to execute a reciprocal engagement in accordance therewith.

If, within six months after the date of the Deputy Commissioner's decision, the tenant shall not have accepted the lease, as approved or amended by the Deputy Commissioner in the manner aforesaid, and shall not have executed a reciprocal engagement in accordance with the terms of such lease, the Deputy Commissioner, on the application of the superior holder and on proof of such default on the part of the tenant, shall pass an order for ejecting the tenant.

(Chapter VII—Of Superior and Inferior Holders).

Determination of disputes in suits under sections 92 and 93.

94. The determination of disputes regarding the amount or rates of rent in suits under sections 92 and 93 shall be in accordance with the rules contained in sections 86 and 87.

Procedure on refusal of superior holder to grant lease as directed.

95. (1) When the superior holder required by a decision under section 92 to grant a lease refuses or delays to grant the same, the Deputy Commissioner may grant a lease under his own hand and seal in conformity with the terms of the decision, and such lease shall be of the same force and effect as if granted by such superior holder.

Deputy Commissioner's decision to be evidence of amount of rent claimable from tenant.

(2) When the tenant required by a decision under section 93 to execute a reciprocal engagement has refused or failed to execute the same, the decision shall be evidence of the amount of rent claimable from such tenant, and shall have the same force and effect as a reciprocal engagement executed by him.

Procedure in suits under sections 88, 92 and 93.

96. (1) In suits under sections 88, 92 and 93, the procedure prescribed by Chapters V, VII, VIII, XXXVII and XLVII of the Code of Civil Procedure, as extended to the [1][whole of the State of Mysore except Bellary District] by Act II of 1884, shall be followed in so far as the same may be applicable to them.

Appeals in such suits to lie to High Court.

(2) An appeal shall lie to the High Court from all decisions passed by a Deputy Commissioner under sections 88, 92 and 93, and from all orders passed in execution of any such decision: provided that the appeal be presented to the High Court within ninety days of the Deputy Commissioner's decision or order. But no such decision or order shall be set aside otherwise than upon the merits, for any want of form or irregularity in procedure.

Land Revenue payable to a superior holder by an inferior holder to be a first charge on the holding.

[2][**96A.** Any rent or land revenue payable by an inferior holder to a superior holder together with interest at rates fixed by any rules framed by Government, shall be a first charge on the holding or any part thereof, provided that nothing in this section shall affect any right of the Government or any right of encumbrance created by the inferior holder with the consent of the superior holder

1. See the Mysore Adaptation of Laws Order, 1953.
2. Added by Act V of 1912.

in writing registered on or before the date of this Act coming into force.]

Recovery of Superior Holders' Dues.

Superior holders entitled to assistance in recovering rent.

97. Superior holders (other than occupants of unalienated lands in villages, the settlement of which has not been completed under Bombay Act I of 1865 or under Chapter VIII of this Act) shall be entitled to apply to the Deputy Commissioner in writing for assistance, by the use of precautionary and other measures, for the recovery of rent or land revenue payable to them by inferior holders or by co-sharers in their holdings, under the same rules, except that contained in section 143, and in the same manner as prescribed in Chapter XI of this Act for the realization of land revenue by the Government :

[1][Provided that such application be made within two years, and in the case of alienated or kayamgutta villages into which survey and settlement have been introduced, within six years from the end of the revenue year or the year of tenancy in which the said rent or land revenue became payable :]

And provided further that, when such application is for the recovery of rent or land revenue from an inferior holder, it is based—

firstly, upon a written agreement duly executed by such inferior holder and registered in accordance with the law for the time being in force for the registration of assurances; or

secondly, upon a decision passed under any of the foregoing provisions of this Chapter ; or

thirdly, upon the records of a revenue settlement in force for the time being as proved by Government accounts or by accounts which Government recognizes for the purpose of this section.

Deputy Commissioner how to proceed on such application.

98. On application being made under section 97 to the Deputy Commissioner, he shall cause a written notice thereof to be served on the inferior holder or co-sharer fixing a day for inquiry into the case. On the day so fixed, he shall hold a summary inquiry, and shall pass an order for rendering assistance to the superior holder for

1 Substituted by Act XXI of 1940.

the recovery of such amount, if any, of rent or land revenue as appears to him upon the evidence before him to be lawfully due.

Assistance may be refused or granted to a limited extent only.

But if it appears to the Deputy Commissioner that the question at issue between the parties is of a complicated nature, he may in his discretion either refuse the assistance asked for, or, if the land to which the dispute relates has been assessed under the provisions of Chapter VIII of this Act, or at any survey settlement confirmed by section 121, grant assistance to the extent only of the assessment so fixed upon the said land.

Civil suit not to be barred.

Nothing in this section shall prevent either party from having recourse to the Civil Courts to recover from the other such amount as he may deem to be still due to him, or to have been levied from him in excess of what was due, as the case may be.

Grant of Special Powers to Holders of Alienated Lands.

Government may, by commission, confer certain powers on holders of alienated lands.

99. It shall be lawful for the Government at any time to issue a commission to any holder of alienated lands, conferring upon him all or any of the following powers in respect of the land specified in such commission, namely,—

(*a*) to demand security for the payment of the land revenue or rent due to him, and, if the same be not furnished, to take such precautions as the Deputy Commissioner is authorized to take under sections 147 to 149, except the power to fine under para 3 of section 148, or to sell the crop under section 149;

(*b*) to attach the property of persons making default in the payment of such land revenue or rent as aforesaid;

[1](*c*) to exercise the powers of a Deputy Commissioner under sections 63 and 64;

(*d*) to receive notices of relinquishment under section 71, and to determine the date up to which such notices shall be received as in that section provided; and

1. Clause (*c*) was omitted and the other clauses re-numbered by Act XVII of 1939.

(*e*) to take measures for the maintenance and repair of boundary marks in the manner provided for survey officers in section 130 :

Proviso.

Provided that the powers contemplated in clauses (*c*) to (*e*), both inclusive, shall be conferred only on holders of lands to which a survey settlement has been extended :[1]

And provided further that the Government may in its discretion invest any holders of alienated village with any of the powers of a Deputy Commissioner under this Act, when such holder has, within the thirty years before the passing of this Act, regularly exercised corresponding powers whenever the estate has been in his own management.

Terms of such commission.

100. Every such commission shall be in the form of Schedule F, and shall be liable to be withdrawn at the pleasure of Government ; and a commission may, if the Government see fit, be issued to one or more agents of a holder of alienated lands as well as to the holder in person.

Reference must be made by holder of commission to Deputy Commissioner in certain cases.

101. If the holder of any such commission attach a defaulter's property, he shall make an immediate report to the Deputy Commissioner of his having done so. Should the demand on account of which the attachment has been made appear to the Deputy Commissioner, after such enquiry as he may deem fit to make, to be just, he shall give orders for the sale of the property, and a sale shall be conducted agreeably to the provisions of sections 171 to 192 either by the Deputy Commissioner or his subordinates or by the holder if the Government, by an order under the last proviso to section 99, has authorised the holder to conduct such sale.

When compulsory process shall cease.

102. All compulsory processes shall cease—

on the defaulter's paying or tendering the amount demanded of him under protest ; or

on his furnishing either to the holder of the commission or his agent or agents, or to the Deputy Commissioner, satisfactory security in the form of Schedule D, or to similar effect.

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1 The words "under the provisions of section 286" omitted by Act XVII of 1939.

And any holder of any such commission as aforesaid, by himself or his agents, proceeding with any compulsory process after payment made or tendered as aforesaid, or after the furnishing of such security as aforesaid, or after tender thereof, shall be liable, on conviction in a summary inquiry before the Deputy Commissioner, to a penalty not exceeding three times the amount of the revenue sought to be recovered by such compulsory process.

Power under commission to extend to current and previous year's arrears.

103. The power conferred by any such commission shall extend to the enforcement of the payment of the revenue or rent of the current revenue year and of the revenue year next immediately preceding, but not that of former years.

Holder of commission not to enforce any unusual or excessive demand.

104. The holder of any such commission shall not enforce a demand for revenue or rent in excess of what any inferior holder has paid previously to the date of such demand, or of what he may have contracted to pay by an instrument in writing duly registered in accordance with the law for the time being in force relating to the registration of assurances, or of what may have been decided as the proper amount of rent by a decision under section 88, 92 or 93. In the event of a dispute, the Deputy Commissioner shall hold a summary enquiry and decide what is just, and the holder of the commission shall not enforce a demand for more than what is so decided to be just.

Penalty for so doing.

The person against whom any demand shall have been enforced in excess of the amount of which payment is lawfully enforceable, shall be entitled to recover, on conviction of the holder of the commission in a summary inquiry before the Deputy Commissioner, three times the amount of any such excessive demand by way of damages and the sum so due by the holder of the commission shall be leviable from him as an arrear of land revenue.

Nothing in this Chapter to prevent civil suit.

105. Nothing contained in the provisions of this Chapter shall prevent parties holding the relation of landlord and tenant from seeking remedy in Civil Courts on matters not specially provided for in this Chapter.

(Chapter VIII—Of Survey Settlements and the Partition of Estates).

CHAPTER VIII.

OF SURVEY SETTLEMENTS AND THE PARTITION OF ESTATES.

Survey Settlements.

Revenue survey may be introduced by Government into any part of [1][the whole of the state of Mysore except Bellary District].

106. It shall be lawful for the Government, whenever it may seem expedient, to direct the survey of any land in any part of the [1][whole of the State of Mysore except Bellary District], with a view to the settlement of the land revenue, and to the record and preservation of rights connected therewith, or for any other similar purpose, and such survey shall be called a revenue survey. Such survey may extend to the lands of any village, town or city generally, or to such land only as the Government may direct; and, subject to the orders of the Government, it shall be lawful for the officers conducting any such survey to except from the survey settlement any land to which it may not seem expedient that such settlement should be applied.

Control of revenue survey.

The control of every such revenue survey shall vest in, and be exercised by, the Government.

Survey officer may require, by general notice or by summons, suitable service from holders of land, etc.

107. It shall be lawful for the survey officer deputed to conduct or take part in any such survey to require, by general notice, or by summons, the attendance of holders of land and of all persons interested therein, in person or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluk and village officers, who, in their several stations and capacities, are legally, or by usage, bound to perform service in virtue of their respective offices, and to require from them such assistance in the operations of the survey, and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

Assistance to be given by holders and others in the measurement or classification of lands.

108. It shall be lawful for the survey officer to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends, by furnishing flag-holders: and in the event of a necessity for employing hired labour for this or other similar object incidental to

1. *See* the Mysore Adaptation of Laws Order, 1968.

survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses, on the lands surveyed for collection as a revenue demand.

Survey numbers not to be less than a certain extent.

109. Except as hereinafter provided, no survey number comprising land used for purposes of agriculture only shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each district by the [1][Revenue Commissioner]. A record of the minima so fixed shall be kept in the Amildar's office in each taluk, and shall be open to the inspection of the public at all reasonable time.

[2][*Exception* 1.—These provisions shall not apply to survey numbers which have already been made of less extent than the minima so fixed or which may be so made under the authority of the Revenue Commissioner given either generally or in any particular instance in this behalf : and any survey number separately recognised in the survey records shall be deemed to have been authorizedly made, whatever be its extent.

Exception 2.—Survey numbers may, from time to time, and at any time be divided into so many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.]

Recognised shares of survey numbers.

110. Recognised shares of survey numbers shall be subject to the same provisions of this Act as are applicable to entire survey numbers, except—

(*a*) that it shall not be obligatory to demarcate such shares separately ; and

(*b*) that if any such share is relinquished by the occupant absolutely under the provisions of section 71, the occupancy thereof shall be offered to the occupants of the other shares of the same survey number in the order of the relative largeness of the amounts payable by them, respectively, on account of the assessment of their said shares ; and that, in the event of their all refusing the occupancy of the said share, the assessment thereon shall, until such time as the entire number is relinquished by them,

1. Substituted for the word " Government " by Act VI of 1906.
2. Substituted by Act XVII of 1928.

be levied from them in proportion to the amounts of assessment payable by them as aforesaid.

Officer in charge of survey to fix assessment.

111. (1) Subject to rules or orders made in this behalf under section 233, the officer in charge of a survey shall have authority to fix the assessment for land revenue at his discretion on all lands within the local operation of an order made under section 106 not wholly exempt from land revenue, and the amounts due according to such assessment shall, subject to the provisions of section 112, be levied on all such lands.

The assessment may be on land, or on means of irrigation etc.

(2) The power to assess under this section shall, in the case of lands used for purposes of agriculture alone, include power to assess, whether directly on the land, or in the form of a rate or cess upon the means of irrigation in respect of which no rate is levied under section 53, or in any other manner whatsoever that may be sanctioned by Government.

Regard to be had to proviso to section 50.

(3) In fixing the assessment under this section, regard shall be had to the requirements of the proviso to section 50.

Proviso.

(4) Nothing in this section shall be deemed to prevent the survey officer aforesaid from determining and registering the proper full assessment on lands wholly exempt from payment of land revenue, or on all lands especially excepted under section 106 from the survey settlement, or from dividing all such lands to which the survey extends into survey numbers.

Assessment not leviable without the sanction of Government, but may be fixed with or without modification by the Government for a term of years.

112. The assessment fixed by the officer in charge of a survey shall not be levied without the sanction of Government. It shall be lawful for the Government to declare such assessment, with any modification which it may deem necessary, fixed for a term of years not exceeding thirty in the case of lands used for the purposes of agriculture alone, and in the case of all other lands for any term or in perpetuity: Provided that nothing in this section shall prevent the Government from fixing the assessment on lands held on coffee tenure or granted for fuel or timber plantations for any term or in perpetuity subject to such conditions as it may prescribe.

(Chapter VIII—Of Survey Settlements and the Partition of Estates).

Introduction of survey settlement how to be made.

113. When, in the case of lands used for the purposes of agriculture alone, Government shall have sanctioned the assessments fixed by the officer in charge of the survey, it shall be the duty of the said officer, or of the Deputy Commissioner, or Assistant Commissioner, publicly to announce, or to cause to be announced, the assessment fixed on each survey number, or recognized share of a survey number.

The said officer, or the Deputy Commissioner, or Assistant Commissioner shall, at a reasonable time beforehand, cause public notice to be given, in such manner as he shall deem fit, of the time at or about which the assessments will be announced as aforesaid.

If the holder or other person interested in any holding do not appear in person or by agent, he shall be subject, nevertheless, to the same liabilities as if he had attended.

When the assessments have been announced in the manner provided in the first clause of this section, the survey settlement shall be held to have been introduced.

The fixing of assessment under section 112 limited to ordinary land revenue.

114. The fixing of the assessment under the provisions of section 112 shall be strictly limited to the assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which it shall be lawful for the Government to impose under the provisions of any law for the time being in force for purposes of local improvement, such as the construction, maintenance and improvement of schools, village and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or of any rate for the use of water which may be imposed under the provisions of section 53.

Government may direct a fresh revenue survey and revision of assessment.

115. It shall be lawful for the Government to direct at any time a fresh revenue survey or any operation subsidiary thereto, but no enhancement of assessment shall take effect till the expiration of the period previously fixed under the provisions of section 112, or of Bombay Act I of 1865.

But improvements made from private capital and resources not to be assessed.

A revised assessment shall be fixed, not with reference to improvements made from private capital and resources during the currency of any settlement made under this Act, or under Bombay Act I of 1865, but with reference to general considerations of the value of

land, whether as to soil or situation, prices of produce, or facilities of communication.

When, in fixing the assessment of any land, regard is had to a natural advantage thereof, and that advantage cannot be fully utilised except by means of an improvement which has not been made at the time of fixing the assessment, nothing in this section shall prevent the Government from foregoing its demand for a portion of the assessment until the expiration of such period after the improvement has been made, as, having regard to the reasonable claims of the person making the improvement and the expediency of encouraging improvements, it may think fit.

Certain improvements may be considered in fixing revised assessment.

116. Nothing in the last preceding section shall be held to prevent a revised assessment being fixed with reference to any improvement effected at the cost of Government.

Preparation of statistical and fiscal records.

117. It shall be the duty of the survey officer, on the occasion of making or revising a settlement of land revenue to prepare a register, to be called "the Settlement Register," showing the area and assessment of each survey number, together with the name of the registered occupant of such survey number, and other records, in accordance with such orders as may from time to time be made in this behalf by Government.

Survey Officer or Deputy Commissioner or Assistant Commissioner to correct clerical and admitted errors in the settlement register.

118. The Survey Officer, or, if the survey settlement have been introduced under the provisions of section 113 by the Deputy Commissioner or Assistant Commissioner, the Deputy Commissioner or Assistant Commissioner shall at any time correct, or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the Settlement Register.

And enquire into and pass orders on certain applications for mutation of names.

The Superintendent of Survey or the Deputy Commissioner shall receive and enquire into all applications made to him at any time within two years after the introduction of the survey settlement for the correction of any wrong entry of a registered occupant's name in the said register, and if satisfied that an error has been

made, whether through fraud, collusion, oversight, or otherwise, shall correct or cause the same to be corrected, notwithstanding that all the parties interested do not admit the error; but he shall not receive any such application at any time after two years from the date of the introduction of the survey settlement, unless good cause be shown to his satisfaction for the delay in making such application, and no such correction of the said register shall be made in consequence of any application made after the said period of two years, except with the previous sanction of Government.

Deputy Commissioner to keep survey records and frame village records in accordance therewith.

119. The Deputy Commissioner shall keep the settlement register and such other records, prepared by the survey officer, as Government shall direct, and shall cause the village records and accounts to be prepared in accordance therewith.

And to register changes, etc.

He shall not make any alterations or corrections in the settlement register, but shall cause to be registered in the village records and accounts all changes that may take place, and anything that may affect any of the rights or interests therein recorded.

Assumption of management of alienated villages by Government.

[1][**119-A.** Whenever it appears to the Government that it is expedient in the public interests to take over the management of an alienated village by the Government on account of the minority, unsoundness of mind or other incapacity of the holder, or any other cause, the Government may, by notification in the Official Gazette, order the Deputy Commissioner or any officer of the Government to assume the management of such village temporarily on behalf of the Government, provided that, unless the holder is a minor or of unsound mind the assumption shall not be made without giving notice to the holder and affording him a reasonable opportunity to be heard and to adduce evidence to show that he is fit to manage the village. The Government may, by a like order, release the property from its management as soon as the holder ceases to be a minor or the disability has ceased or for any other reason.]

1. Substituted by Act XVII of 1939.

(Chapter VIII—Of Survey Settlements and the Partition of Estates).

Government management of alienated villages on account of certain misunderstandings in the villages.

[1][**119-B.** When tenants holding interest in not less than half the occupied lands in an alienated village apply to the Deputy Commissioner that the village should be taken under Government management on account of disputes or misunderstanding between them and the inamdar, the Deputy Commissioner shall hold a formal enquiry and if satisfied that it is necessary to take over the village, he shall make a recommendation to the Government. When holders of alienated land holding in the aggregate not less than half the shares in an alienated village apply to the Deputy Commissioner that the village should be taken under Government management on account of misunderstanding between them and their tenants or on account of disputes amongst themselves or for other valid reasons, the Deputy Commissioner shall hold a formal enquiry and if satisfied that the village should be taken over, he shall make a recommendation to the Government. The Government may thereupon order the Deputy Commissioner or any other officer of the Government to assume the management of such village temporarily on behalf of the Government. Management assumed under this section shall not be for a period of less than eight years and nine per cent of the revenue of the village shall be charged to the Inamdar towards the cost of administration.]

Revenue management of villages or estates not belonging to Government that may be temporarily under Government management

120. (1) In the event of any alienated village or estate coming under the temporary management of Government officers, it shall be lawful for the Deputy Commissioner to let out the lands thereof at rates determined by means of a survey settlement, or at such other fixed rates as he may deem to be reasonable, and to sell the occupancy of unoccupied lands by auction, and otherwise to conduct the revenue management thereof under the rules for the management of unalienated lands, so far as such rules may be applicable, and for so long as the said village or estate shall be under the management of Government officers:

Provided, however, that any written agreements relating to the land, made by the superior holder of such village or estate, shall not be affected by any proceedings under this section in so far as they shall

1. Added by Act XVII of 1939.

not operate to the detriment of the lawful claims of Government on the land.

Management of lands, the property of the Palace.

[1][(2) In respect of lands, the property of the Palace, the Deputy Commissioner, in the case of lands under the management of Government, and the Palace Controller or other officer nominated by Government in this behalf, in the case of lands under the direct management of the Palace, may exercise all the powers conferred on a Deputy Commissioner by this Act in respect of unalienated land.]

Maintenance of existing settlements of land revenue.

121. Existing survey settlements of land revenue, made, approved and confirmed under the authority of the Government, shall be, and are hereby declared to be, in force, subject to the provisions of this Act.

Partition.

Rules for partition of estate paying revenue to Government.

122. The following rules shall be enforced at the partition of any estate paying land revenue to Government, namely :—

(1) the estate shall be divided as far as possible according to survey numbers without sub-dividing any number; but if the partition cannot be completely effected without sub-dividing a number, such sub-division may be made by the Deputy Commissioner, subject to the provisions of section 109 :

(2) any number or sub-division of a number, which may remain over after the partition has been carried out, as far as possible according to the last rule, and which is incapable of sub-division or of further sub-division owing to the provisions of section 109, shall be made over to one of the sharers in consideration of his paying to the other sharers the value in money of their shares in the same, or shall be sold and the proceeds divided amongst all the sharers, or otherwise disposed of, as the Deputy Commissioner thinks fit :

1 Added by Act I of 1919.

(3) the expenses necessarily and properly incurred in making such partition shall be recoverable as a revenue demand in such proportions as the Deputy Commissioner thinks fit from the sharers at whose request it is made, or from the persons interested in such partition.

Partition of alienated village by the Deputy Commissioner on application by co-sharers.

123. Whenever any one or more co-sharers in an alienated village into which a revenue survey has been introduced consent to a partition of the said estate, it shall be lawful for the Deputy Commissioner, or for any other officer duly empowered by him in this behalf, subject to the rules contained in the last preceding section, to divide the said village into shares according to the respective rights of the co-sharers, and to allot such shares to the co-sharers :

Proviso.

Provided that no such partition shall be made, unless :—

(*a*) all the co-sharers are agreed as to the extent of their respective rights in the village ; and

(*b*) the assessment of the share or shares or the sharer or sharers consenting to such partition exceeds one-half of the assessment of the entire village.

In such cases the expenses of partition shall be recovered under rule (3) of the last preceding section from all the co-sharers in the village divided.

Sub-division of numbers at time of revision of survey.

124. At the time of a revision of survey, it shall be in the discretion of the officer in charge of the survey, subject to the provisions of section 109 and to any departmental rules or order in this behalf at the time in force, to sub-divide any survey number into two or more distinct numbers, and to enter the names and liabilities of the persons whom he shall deem entitled to be recognised as registered occupants of such sub-divisions in the settlement register separately.

Separate demarcation of land appropriated under section 63 or 65.

125. When any portion of cultivable land is appropriated under the provisions of section 63 or 65 for any non-agricultural purpose, the portion so appropriated may, with the sanction of the Deputy Commissioner, be demarcated, and made into a separate number at any time, notwithstanding the provisions of section 109.

(Chapter IX—The Settlement of Boundaries and the Construction and Maintenance of Boundary Marks).

CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY MARKS.

Determination of village boundaries.

126. The boundaries of villages situated in the [1][whole of the State of Mysore except Bellary District] shall be fixed, and all disputes relating thereto shall be determined by survey officers, or by such other officers as may be nominated by Government for the purpose, who shall be guided by the following rules:—

Village boundaries may be settled by agreement.

Rule 1.—When the patels and other village officers of any two or more adjoining villages, and, in the case of an alienated village, the holder thereof or his duly constituted agent, shall voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. And any village boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means.

Procedure in case of disagreement or dispute.

Rule 2.—If the patels and other village officers, and, in the case of an alienated village, the holder thereof or his duly constituted agent, do not agree to fix the boundaries of their respective villages in the manner prescribed in the preceding rule, or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation or any other illegal means, or if there be any pending dispute, the said officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties, and all particulars relating thereto, and shall hold a formal enquiry into the claims of the said parties, and thereafter make an award in the case. If either of the villages concerned be alienated, an award made by a survey officer shall, unless the officer making it be the Superintendent of Survey, be subject to his confirmation.

Determination of field boundaries.

127. If, at the time of survey, the boundary of a field or holding be undisputed, and its correctness be affirmed

1. *See* the Mysore Adaptation of Laws Order, 1953.

by the village officers then present, it may be laid down as pointed out by the holder or person in occupation, and if disputed, or if the said holder or person in occupation be not present, it shall be fixed by the survey officer according to the village records, and according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

If any dispute arise concerning the boundary of a field or holding which has not been surveyed, or if, at any time after the survey records have been handed over to the Deputy Commissioner, a dispute arise concerning the boundary of any survey number, it shall be determined by the Deputy Commissioner, who shall be guided, in the case of survey numbers, by the survey records, if they afford satisfactory evidence of the boundary previously fixed, and, if not, by such other evidence as he may be able to procure.

Settlement of boundary dispute by arbitration.

128. If the several parties concerned in a boundary dispute agree to submit the settlement thereof to an arbitration committee, and make application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary shall require the said parties to nominate a committee of not less than three persons, within a specified time, and if, within a period to be fixed by the said officer, the committee so nominated or a majority of the members thereof arrive at a decision, such decision, when confirmed by the said officer or if the said officer be a survey officer lower in rank than a Superintendent of Survey, by the Superintendent of Survey, shall be final:

When award may be remitted for reconsideration.

Provided that the said officer or the Superintendent of Survey shall have power to remit the award or any of the matters referred to arbitration, to the reconsideration of the same committee for any of the causes set forth in section 520 of the Code of Civil Procedure.

If arbitration fail, survey officer to settle the dispute.

If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified, it shall be the duty of the officer aforesaid, unless he, or, if the said officer is a survey officer lower in rank than a Superintendent of Survey, the Superintendent

of Survey, see fit to extend the time, to settle the same as otherwise provided in this Act.

Effect of the settlement of boundary.

129. [1](1) The settlement of the boundary under any of the foregoing provisions of this Chapter shall be determinative—

(*a*) of the proper position of the boundary line or boundary marks; and

(*b*) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

(2) Where a boundary has been so fixed, the Deputy Commissioner may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

Boundary Marks.

Construction and repair of boundary marks of survey numbers and villages.

130. It shall be lawful for any survey officer authorized by a Superintendent of Survey or Settlement Officer to cause to be constructed or repaired boundary marks of villages or survey numbers, whether cultivated or uncultivated, and to assess all charges incurred thereby on the holders or others having an interest therein.

Requisition on landholders to erect or repair boundary marks.

Such officer may require landholders to construct or repair their boundary marks by a notification, which shall be posted in the *chavadi* or other public place in the village to which the lands under survey belong, directing the holders of survey numbers to construct or repair, within a specified time, the boundary marks of their respective survey numbers, and on their failure to comply with the requisitions so made, the survey officer shall then construct or repair them, and assess all charges incurred thereby as hereinbefore provided.

A general notification to be good and sufficient notice of requisition.

A general notification issued in the manner aforesaid, shall be held to be good and sufficient notice to each and every person having any interest in any survey numbers within the limits of the lands to which the survey extends.

1. Section 129 was renumbered as sub-section (1) of that section and sub-section (2) was added by Act V of 1934.

(Chapter X—Of Land within the Sites of Villages, Towns and Cities).

Description of boundary marks.

The size, material and description of boundary marks shall be such as may, under the orders of Government, be fixed by the Superintendent of Survey, according to the requirements of soil and climate.

Responsibility for the maintenance of boundary marks.

131. Every landholder shall be responsible for the maintenance and good repair of the boundary marks of his holding, and for any charges reasonably incurred on account of the same by the revenue officers in cases of alteration, removal, or disrepair. It shall be the duty of village officers and servants to prevent the destruction or unauthorized alteration of the village boundary marks.

Deputy Commissioner to have charge of boundary marks after introduction of the survey settlement.

132. When the survey settlement shall have been introduced into a district, the charge of the boundary marks shall devolve on the Deputy Commissioner, and it shall be his duty to take measures for their maintenance and repair, and for this purpose the powers conferred on survey officers by section 130 shall vest in him.

Penalty for injuring boundary marks.

133. Any person convicted, after a summary enquiry before the Deputy Commissioner, or before a survey officer not lower in rank than an Assistant Superintendent of Survey, of wilfully erasing, removing or injuring a boundary mark, or unauthorisedly erecting a boundary mark, shall be liable to a fine not exceeding fifty rupees for each mark so erased, removed, injured, or erected.

CHAPTER X.

Of Land within the Sites of Villages, Towns and Cities.

Limit of sites of villages, towns and cities how to be fixed, and assignment of building sites.

134. It shall be lawful for the Deputy Commissioner or for a survey officer acting under the general or special orders of Government, to determine what lands are included within the site of any village, town or city, to fix, and from time to time to vary the limits of the same, respect being had to all subsisting rights of landholders, and to set apart for building sites within such limits any lands which may be the property of Government and not in the lawful occupation of any person or aggregate of persons, provided that no land hitherto used for purposes of agriculture only shall be set apart for building sites except

under the special or general sanction of the Government. Land already set apart for building sites within the sites of any village, town or city, shall be deemed to have been so set apart under this section.

Disposal of building sites.

135. It shall be lawful for the Deputy Commissioner [1][or such other authority as the Government may authorise in this behalf] to dispose of lands set apart for building sites under section 134, in such manner as may be directed by rules which the Government may, from time to time, frame in that behalf, either subject to or exempt from liability to payment of land revenue, as may be directed by such rules.

Occupancy right confirmed.

136. The existing right of occupancy of all lands within the sites of villages, towns and cities, is hereby confirmed so far as the interest of Government is concerned, only excepting the case of encroachments, as provided for in section 37 of this Act.

Existing exemptions confirmed.

137. Existing exemptions from payment of land revenue of lands situate within the sites of villages, towns and cities are hereby confirmed—

If land is an inam.

Firstly, if such lands be alienated lands recognized by competent authority as wholly or partially exempt from the payment of land revenue;

If non-agricultural land has hitherto actually enjoyed exemption.

Secondly, if such lands, being other than lands ordinarily used for purposes of agriculture, have been held wholly or partially exempt from payment of land revenue at the time of the introduction of this Act;

Agricultural land has hitherto enjoyed exemption as backyards or *hittals*.

Thirdly, if such lands, being ordinarily used for purposes of agriculture, have been held exempt from payment of land revenue at the time of the introduction of this Act, having been excepted from a survey settlement already introduced on the ground of their being backyards or *hittals* attached to buildings or of its being deemed inexpedient to apply a survey settlement to them.

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1. Inserted by Act, XVII of 1928.

(Chapter X—Of Land within the Sites of Villages, Towns and Cities).

Government may declare what lands in villages, etc., ordinarily used for agriculture shall be exempt from land revenue.

(2) The Government may from time to time make, and from time to time vary or rescind, rules—

(*a*) declaring the nature, extent, description and situation of lands ordinarily used for purposes of agriculture within the sites of villages, towns and cities, to which a survey settlement shall not be applied and which shall be exempt from land revenue; and

And fix assessment for a term or in perpetuity.

(*b*) fixing the assessment on lands not exempt from land revenue, and situated within the sites of villages, towns and cities, for any term or in perpetuity, anything in section 112 notwithstanding.

Inam lands hitherto used for purposes of agriculture only appropriated to other purposes.

138. If any land within the sites of any village, town or city, hitherto ordinarily used for agricultural purposes only and partially exempt from the payment of land revenue, be appropriated to any other purposes, it shall be liable to the payment of one-eighth of the rate fixed for unalienated land used for similar purposes in the same locality, in addition to the quit-rent payable in respect of such land.

Survey of lands in sites of villages, towns and cities how to be conducted.

139. If the Government shall at any time deem it expedient to direct a survey of the lands other than those used ordinarily for the purposes of agriculture only within the site of any village, town or city, under the provisions of section 106, or a fresh survey thereof under the provisions of section 115; such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters VIII and IX of this Act, due regard being had to all existing exemptions from the payment of land revenue confirmed by section 137:

Proviso.

Provided that nothing contained in sections 107, 108, 111 para (2), 113 or 126 thereof shall be considered applicable to any such survey in any town or city containing more than two thousand inhabitants.

In certain cases a survey fee to be charged.

140. When a survey is extended under the provisions of the last preceding section to the site of any town or city containing more than two thousand inhabitants, each holder of a building site shall be liable to the payment of a survey fee to be assessed by the Deputy Commissioner

under such rules as may be prescribed in this behalf from time to time by Government:

Provided that the said fee shall in no case exceed rupees five for each survey number. The said survey fee shall be payable within six months from the date of a public notice to be given in this behalf by the Deputy Commissioner after the completion of the survey of the site of the town or city or such part thereof as the notice shall refer to.

Sannad to be granted without extra charge.

141. Every holder of a building site as aforesaid shall be entitled, after payment of the said survey fee, to receive from the Deputy Commissioner without extra charge one or more sannads, in the form of Schedule 'G,' specifying by plan and description the extent and conditions of his holding.

Proviso.

Provided that, if such holder do not apply for such sannad or sannads at the time of payment of the survey fee or thereafter within six months from the date of the public notice issued by the Deputy Commissioner under the last preceding section, the Deputy Commissioner may require him to pay an additional fee not exceeding one rupee for each sannad.

Every such sannad shall be executed on behalf of the Government by such officer as may, from time to time, be lawfully empowered to execute the same.

CHAPTER XI.

Of the Realization of the Land Revenue and Other Revenue Demands.

Responsibility for Land Revenue.

Primary responsibility.

142. The registered occupant shall be primarily responsible to Government for the land revenue of unalienated land, and the superior holder shall be primarily responsible to Government for the land revenue of alienated land.

Recovery of land revenue if the person primarily responsible fails to pay it.

On failure of the person primarily responsible to Government for the land revenue to pay the same according to the rules legally prescribed in that behalf, it may be recovered from the co-occupant of unalienated land or the co-sharer of alienated land, or in either case from the

inferior holder or person in actual occupation of the land.

Credit to be allowed to inferior holder for recoveries made from him.

When the land revenue is recovered from any such occupant, co-sharer, inferior holder, or other person, he shall be allowed credit for all payments which he may have made to the registered occupant, or superior holder, or to his landlord, at or after the prescribed or usual times of such payments, and he shall be entitled to credit in account with the registered occupant or superior holder or with his landlord for the amount recovered from him.

Priority of Government Claim for Land Revenue.

Claims of Government to have precedence over all others.

143. The claim of Government to any moneys recoverable under the provisions of this Chapter shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment decree, execution or attachment, or otherwise, howsoever, against any land or the holder thereof.

Liability of crop for revenue of land.

144. In all cases, the land revenue, for a revenue year, of land used for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference to all other claims, from any crop planted or harvested during such year on the land subject to the same.

Land Revenue when leviable.

Land revenue may be levied at any time during the revenue year.

145. The land revenue shall be leviable on or at any time after the first day of the revenue year for which it is due; but, except when precautionary measures are deemed necessary under the provisions of sections 148 to 150, payment will be required only on the dates to be fixed under the provisions hereinafter contained.

Precautionary Measures for the Security of the Land Revenue.

Removal of crop which has been sold, etc., may be prevented until the revenue is paid.

146. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, whether by order of a Civil Court or other public authority or by private agreement, the Deputy Commissioner may prevent its being removed from the land until the revenue of the said land recoverable under section 144 has been paid, whether the date fixed for the payment of the same, under the provisions hereinafter contained, has yet arrived

or not. But in no case shall a crop, or any portion of the same, which has been sold, mortgaged, or otherwise disposed of, be detained on account of more than one year's revenue.

147. It shall be lawful for the Deputy Commissioner, in order to secure the payment of the land revenue by the enforcement of the lien of Government on the crop,— In order to secure the land revenue the Deputy Commissioner may

(*a*) to require that the crop growing on any land liable to the payment of land revenue shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf, and such notice has been returned endorsed with an acknowledgment of its receipt ; prevent the reaping of the crop.

(*b*) to direct that no such crop shall be removed from the land on which it has been reaped, or from any place in which it may have been deposited, without the written permission of himself or of some other officer as aforesaid ; the removal thereof, or

(*c*) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same, and to realise the amount required for the remuneration of the said watchmen, at such rate not exceeding the rate of pay received by the peons on his establishment as he may deem fit, as an arrear of land revenue due in respect of the land to which such crop belongs. place watchmen over it.

148. The Deputy Commissioner's order under either clause (*a*) or clause (*b*) of the last preceding section may be issued generally to all the holders of land paying revenue to Government in a village, or to individual holders merely. Deputy Commissioner's order under last section how to be made known.

If the order be general, it shall be made known by public proclamation to be made by beat of drum in the village and by affixing a copy of the order in the *chavadi*, or some other public building in the village. If it be to individual holders, a notice thereof shall be served on each holder concerned.

(Chapter XI—Of the Realization of the Land Revenue and Other Revenue Demands).

Penalty for disobedience of order.

Any person who shall disobey any such order after the same has been so proclaimed, or a notice thereof has been served upon him, or who shall, within the meaning of the Indian Penal Code, abet the disobedience of any such order, shall be liable, on conviction after summary inquiry by the Deputy Commissioner, to a fine not exceeding double the amount of the land revenue due on the land to which the crop belongs in respect of which the offence is committed.

Reaping, etc., not to be unduly deferred.

Crop when to be released.

149. The Deputy Commissioner shall not defer the reaping of the crop, or prolong its deposit unduly so as to damage the produce; and if, within two months after the crop has been deposited, the revenue due has not been discharged, he shall either release the crop and proceed to realize the revenue in any other manner authorized by this Chapter, or take such portion thereof as he may deem fit for sale under the provisions of this Chapter applicable to sales of movable property in realization of the revenue due and of all legal costs, and release the rest:

Proviso.

Provided that the limit of two months shall not apply to articles of a perishable nature which shall immediately be sold as provided in section 174.

Temporary attachment and management of a village or share of a village.

150. If, owing to disputes among the sharers, or for other cause, the Deputy Commissioner shall deem that there is reason to apprehend that the land revenue payable in respect of any holding consisting of an entire village or of a share of a village will not be paid as it falls due, he may cause the village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose.

Section 166 to apply.

Disposal of surplus profits.

The provisions of section 166 shall apply to any village or share of a village so attached, and all surplus profits of the land attached, beyond the cost of such attachment and management, including the payments of the land revenue and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of section 120, shall be kept in deposit for the eventual benefit of the person or persons entitled to the same or paid to the said person or persons from time to time, as the Deputy

(Chapter XI—Of the Realization of the Land Revenue and Other Revenue Demands).

Commissioner, subject to the orders of the [1][Revenue Commissioner] may direct.

Precautionary measures to be relinquished on security being furnished.

151. The precautionary measures authorized by the last five sections shall be relinquished if the person primarily responsible for the payment of revenue, or any person who would be responsible for the same if default were made by the person primarily responsible, shall pay the costs, if any, lawfully incurred by the Deputy Commissioner up to the time of such relinquishment, and shall furnish security satisfactory to the Deputy Commissioner for the payment of the revenue at the time at which, or in the instalments, if any, in which, it is payable under the provisions hereinafter contained.

Regulation of payment of Land Revenue.

Government to determine the dates, etc., on which land revenue shall be payable.

152. Land revenue, except when it is recovered under the provisions of the foregoing sections 146 to 150, shall be payable at such times, in such instalments, to such persons and at such places as may, from time to time, be determined by the orders of Government.

Defaulters.

Arrear defaulters.

153. Any sum not so paid becomes thereupon an arrear of land revenue; and the persons responsible for it, whether under the provisions of section 142 or of any other section, become defaulters.

Liability incurred by default.

154. If any instalment of land revenue be not fully paid within the prescribed time, it shall be lawful for the Deputy Commissioner to proceed to levy at once the entire balance of land revenue due by the defaulter for the current revenue year, in addition to such charge as a penalty, or by way of interest, as may be authorised according to a scale to be fixed, from time to time, under the orders of the Government.

Certified account to be evidence as to arrears.

155. A statement of account certified by the Deputy Commissioner or by an Assistant Commissioner shall, for the purposes of this Chapter, be conclusive evidence of the existence of the arrear of the amount of land revenue due, and of the person who is the defaulter.

1. Substituted for the word "Government" by Act VI of 1906.

(Chapter XI—Of the Realization of the Land Revenue and Other Revenue Demands).

Deputy Commissioners may realize each other's demands.

On receipt of such certified statement, it shall be lawful for the Deputy Commissioner of one district to proceed to recover the demands of the Deputy Commissioner of any other district under the provisions of this Chapter as if the demand arose in his own district.

Recovery of Arrears.

Process for recovery of arrears.

156. An arrear of land revenue may be recovered by the following processes:—

(*a*) by serving a written notice of demand on the defaulter under section 158;

(*b*) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due under section 159;

(*c*) by distraint and sale of the defaulter's movable property under section 160;

(*d*) by sale of the defaulter's immovable property under section 161;

(*e*) by arrest and imprisonment of the defaulter under sections 163 and 164;

(*f*) in the case of alienated holdings consisting of entire villages, or shares of villages by attachment of the said villages or shares of villages under sections 165 to 169.

Revenue demands of former years; how recoverable.

157. The said processes may be employed for the recovery of arrears of former years as well as of the current revenue year, but the preference given by section 143 shall, except in cases falling under section 54, apply only to demands for the current revenue year, and the preference given by section 144 shall apply only to demands for the year in which the crop is planted or harvested:

Proviso.

Provided that any process commenced in the current year shall be entitled to the said preferences, notwithstanding that it may not be fully executed within that year.

Notice of Demand.

When notice of demand may issue.

158. A notice of demand may be issued on or after the day following that on which the arrear accrues.

The [1][Revenue Commissioner] may, from time to time, frame rules for the issue of such notices, and

1. Substituted for the word 'Government' by Act VI of 1906.

(Chapter XI—Of the Realization of the Land Revenue and Other Revenue Demands).

[1][with the sanction of the Government shall fix] the costs recoverable from the defaulter as an arrear of revenue, and direct by what officer such notices shall be issued.

Forfeiture of Occupancy or Alienated Holding.

The occupancy or alienated holding for which arrear is due may be forfeited.

159. The Deputy Commissioner may declare the occupancy or alienated holding in respect of which an arrear of land revenue is due to be forfeited to Government, and sell or otherwise dispose of the same under the provisions of sections 54 and 55, and credit the proceeds, if any, to the defaulter's accounts.

Sale of Defaulter's Property.

Distraint and sale of defaulter's movable property. By whom to be made.

160. The Deputy Commissioner may also cause the defaulter's movable property to be distrained and sold. Such distraint shall be made by such officers or class of officers as the [2][Revenue Commissioner] [3]* * * may, from time to time, direct.

Sale of defaulter's immovable property.

161. The Deputy Commissioner may also cause the right, title and interest of the defaulter in any immovable property, other than the land on which the arrear is due, to be sold.

Exemption from distraint and sale.

162. All such property as is by the Civil Procedure Code exempted from attachment, or sale in execution of a decree, shall also be exempted from distraint or sale under either of the last two preceding sections.

The Deputy Commissioner's decision as to what property is so entitled to exemption shall be final.

Arrest and Imprisonment.

Arrest and detention of defaulter.

163. At any time after an arrear becomes due, and after a written notice of demand under section 158 has been served without effect, if the Deputy Commissioner shall have reason to believe that the defaulter is wilfully withholding payment of the arrears or has been guilty of fraudulent conduct in order to evade payment, it shall be lawful for him to arrest and detain the defaulter in custody for ten days in the office of the Deputy Commissioner or of an Amildar or Deputy Amildar, unless the revenue due,

1. Inserted by Act VI of 1906.
2. Substituted for the word 'Government' by Act VI of 1906.
3. The words 'under the orders of Government' were omitted by Act VIII of 1920.

together with the penalty or interest and the costs of arrest and of notice of demand, if any, have issued, and the cost of his subsistence during detention is sooner paid.

Imprisonment in civil jail.

If on the expiry of ten days, the amount due by the defaulter is not paid, then, or, if the Deputy Commissioner deem fit, on any earlier day, he may be sent by the Deputy Commissioner with a warrant, in the form of Schedule C, for imprisonment in the civil jail of the district:

Proviso.

Provided as follows:—

Duration of defaulter's custody.

Firstly, that no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of a Civil Court for a debt equal in amount to the arrear of revenue due by such defaulter;

Exemption of minor, lunatic, idiot, and female.

Secondly, that no minor, lunatic, idiot or female shall be liable to be arrested under this section;

Power to Government to exempt particular places or individuals.

Thirdly, that the Government may, by special or general order, exempt particular places or individuals from the provisions of this section during such time as may be specified in such order, and it may from time to time cancel such order.

Power of arrest by whom to be exercised.

164. [1][The Revenue Commissioner may, with the sanction of Government] from time to time, declare by what officers, or class of officers, the powers of arrest conferred by section 163 may be exercised, and also fix the costs of arrest and the amount of subsistence money to be paid by Government to any defaulter under detention or imprisonment.

Attachment of Villages.

Power to attach defaulter's village, and take it under management.

165. If the holding in respect of which an arrear is due consists of an entire village or of a share of a village, and the adoption of any of the other processes before specified is deemed inexpedient, the Deputy Commissioner may, with the previous sanction of the [2][Revenue Commissioner,] cause such village or share of a village to be

1. Substituted for the words 'Government may' by Act VI of 1906.
2. Substituted for the word 'Government' by Act VI of 1906.

attached, and taken under the management of himself or any agent or officer whom he appoints for that purpose.

Lands of such village to revert to Government free of encumbrances.

166. [1](1) The lands of any village or share of a village so attached shall revert to Government unaffected by the acts of the superior holder or of any of the sharers, or by any charges or liabilities subsisting against such lands or against such superior holder or sharers as are interested therein, so far as the public revenue is concerned, but without any prejudice in other respects to the rights of individuals ;

Deputy Commissioner or agent entitled to manage the lands attached.

and the Deputy Commissioner, or the agent or officer so appointed, shall be entitled to manage the lands attached, and to receive all rents and profits accruing therefrom to the exclusion of the superior holder or any of the sharers thereof, until the Deputy Commissioner restores the said superior holder to the management thereof.

Recovery of rent, etc., due during such management.

[2](2) The Deputy Commissioner or the agent or officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter all such rents or profits accruing in or after the revenue year in which such attachment was effected, provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or profit became due.

Application of surplus profits.

167. All surplus profits of the lands attached, beyond the cost of such attachment and management, including the payment of the current revenue and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of section 120 of this Act, shall be applied in defraying the said arrear.

Restoration of a village so attached.

168. The village or share of a village so attached shall be released from attachment, and the management thereof shall be restored to the superior holder, on the said superior holder making an application to the Deputy Commissioner for that purpose at any time within twelve years from the 1st April next after the attachment, if at the time that such application is made it shall appear that the arrear has been liquidated, or if the said superior holder shall be willing to pay the balance, if any, still due

1. Section 166 was re-numbered as sub-section (1) by Act V of 1934.
2. Added by Act V of 1934.

by him, and shall do so within such period as the Deputy Commissioner may prescribe in that behalf.

Disposal of surplus receipts.

The Deputy Commissioner shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made, after defraying all arrears and costs, but such surplus receipts, if any, of previous years shall be at the disposal of Government.

Village, etc., to vest in Government if not redeemed within twelve years.

169. If no application be made for the restoration of a village or portion of a village so attached within the said period of twelve years, or if, after such application has been made, the superior holder shall fail to pay the balance, if any, still due by him, within the period prescribed by the Deputy Commissioner in this behalf, the said village or portion of a village shall thenceforward vest in Government free from all encumbrances created by the superior holder or any of the sharers or any of his or their predecessors in title or in any wise subsisting as against such superior holder or any of the sharers, but without prejudice to the rights of the actual occupants of the soil.

Stay of Proceedings.

All processes to be stayed on security being given.

170. Any defaulter detained in custody, or imprisoned, shall forthwith be set at liberty, and the execution of any process shall, at any time, be stayed, on the defaulters giving before the Deputy Commissioner or other person nominated by him for the purpose, or if the defaulter is in jail, before the officer in charge of such jail, security in the form of Schedule D satisfactory to the Deputy Commissioner, or to such other person or officer.

Or on the amount demanded being paid under protest.

And any person against whom proceedings are taken under this Chapter may pay the amount claimed, under protest, to the officer taking such proceedings, and upon such payment the proceedings shall be stayed, and the person, if in custody, shall be forthwith set at liberty.

Procedure in respect of Sales.

Procedure in effecting sales.

171. When any sale of either movable or immovable property is ordered under the provisions of this Chapter, the Deputy Commissioner shall issue a proclamation in Kanarese of the intended sale, specifying the time and place of sale, and in the case of movable property,

whether the sale is subject to confirmation or not, and, when land paying revenue to Government is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary.

Proclamation of sale.

Such proclamation shall be made by beat of drum at the headquarters of the taluk, and in the village in which the immovable property is situate, if the sale be of immovable property; if the sale be of movable property, the proclamation shall be made in the village in which such property was seized, and in such other places as the Deputy Commissioner may direct.

Notification of sale.

172. A written notice of the intended sale of immovable property, and of the time and place thereof, shall be affixed in each of the following places, *viz.*, the office of the Deputy Commissioner of the district, the office of the Amildar or Deputy Amildar of the taluk in which the immovable property is situate, the *chavadi* or some other public building in the village in which it is situate and the defaulter's dwelling place.

In the case of movable property, the written notice shall be affixed in the Amildar's or Deputy Amildar's office, and in the *chavadi* or some other public building in the village in which such property was seized.

The Deputy Commissioner may also cause notice of any sale, whether of movable or immovable property to be published in any other manner that he may deem fit.

Sales by whom to be made.

173. Sales shall be made by auction by such persons as the Deputy Commissioner may direct.

Time when sale may be made.

No such sale shall take place on a general holiday recognized by Government, nor until after the expiration of at least thirty days in the case of immovable property, or seven days in the case of movable property, from the latest date on which any of the said notices shall have been affixed as required by the last preceding section.

Postponement of sale.

The sale may, from time to time, be postponed for any sufficient reason.

Sale of perishable articles.

174. Nothing in the last three sections applies to the sale of perishable articles. Such articles shall be sold by auction with the least possible delay, in accordance with such orders as may, from time to time, be made by

the Deputy Commissioner either generally or specially in that behalf.

When sale may be stayed.

175. If the defaulter, or any person on his behalf, pay the arrear in respect of which the property is to be sold, and all other charges legally due by him, at any time before the property is knocked down, to the person appointed under section 152 to receive payment of the land revenue due, or to the officer appointed to conduct the sale, or if he furnish security under section 170, the sale shall be stayed.

Sales of movable property when liable to confirmation.

176. Sales of perishable articles shall be at once finally concluded by the officer conducting such sales. All other sales of movable property shall be finally concluded by the officer conducting such sales, or shall be subject to confirmation, as may be directed in orders to be made by the Deputy Commissioner either generally or specially in that behalf. In the case of sales made subject to confirmation, the Deputy Commissioner shall direct by whom such sales may be confirmed.

Mode of payment for movable property when sale is concluded at once.

177. When the sale of any movable property is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale, or as soon after as the said officer shall direct, and in default of such payment, the property shall forthwith be again put up and sold. On payment of the purchase money, the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Mode of payment for movable property when sale is subject to confirmation.

178. When the sale of any movable property is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit, the property shall forthwith be again put up and sold. The full amount of purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed, or if the said day be an authorized holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute as against all persons whomsoever.

(Chapter XI— Of the Realization of the Land Revenue and Other Revenue Demands).

Deposit by purchaser in case of sale of immovable property.

179. In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and, in default of such deposit, the property shall forthwith be again put up and sold.

Purchase money when to be paid.

180. The full amount of purchase money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the immovable property took place, or if the said fifteenth day be an authorized holiday, then before sunset of the first office day after such fifteenth day.

Permission to purchase by party entitled to payment of money.

[1][**180A.** Notwithstanding anything contained in sections 179 and 180, the party entitled to the payment of the money for recovery of which a sale of immovable property is held, may apply to the Deputy Commissioner for permission to purchase such property which may be granted subject to such rules as may be prescribed by the Government in this behalf, and where a party purchases with such permission, the purchase money due by him and the amount for the recovery of which the sale is held may be set off against one another.]

Effect of default.

181. In default of payment within the prescribed period of the full amount of purchase money, whether of movable or immovable property, the deposit, after defraying thereout the expenses of the sale [2][shall, at the discretion of the Deputy Commissioner, be liable to be forfeited to Government either wholly or in part] and the property shall be resold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

Liability of purchaser for loss by resale.

182. If the proceeds of this [2][resale which is held by reason of the purchaser's default] be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

Notification before resale.

183. Every resale of property in default of payment of the purchase money, or after postponement of the first sale, shall, except when such resale takes place forthwith,

1. Added by Act IV of 1936.
2. Substituted by Act II of 1916.

be made after the issue of a fresh notice in the manner prescribed for original sales.

Setting aside sale on deposit of solatium to the purchaser and arrears by person interested.

[1][**183A.** (1) Any person owning or claiming any interest in immovable property sold under this Act may, at any time within 30 days from the date of sale, deposit in the treasury of the taluk in which the immovable property is situate—(*a*) a sum equal to 5 per centum of the purchase money and (*b*) a sum equal to the arrears of revenue for which the immovable property was sold together with interest thereon and the expenses of attachment, management, and sale and other costs due in respect of such arrears; and may apply to the Deputy Commissioner to set aside the sale.

(2) If such deposit and application are made within 30 days from the date of sale, the Deputy Commissioner shall pass an order setting aside the sale and shall repay to the purchaser the purchase money so far as it has been deposited, together with the 5 per centum deposited by the applicant; provided that if more persons than one have made deposits and applied under this section, the application of the first depositor to the officer authorised to set aside the sale shall be accepted.

(3) If a person applies, under section 184, to set aside the sale of immovable property, he shall not, unless he withdraws that application, be entitled to make or prosecute an application under this section.]

Application to set aside sale.

184. At any time within thirty days from the date of the sale of immovable property, application may be made to the Deputy Commissioner to set aside the sale on the ground of some material irregularity, or mistake, or fraud, in publishing or conducting it; but, except as is otherwise provided in the next following section, no sale shall be set aside on the ground of any such irregularity or mistake, unless the applicant proves to the satisfaction of the Deputy Commissioner that he has sustained substantial injury by reason thereof.

If the application be allowed, the Deputy Commissioner shall set aside the sale, and direct a fresh one.

1. Added by Act V of 1926.

(Chapter XI—Of the Realisation of the Land Revenue and Other Revenue Demands).

Order confirming or setting aside sale.

185. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last preceding section has been made, or if such application has been made and rejected, the Deputy Commissioner shall make an order confirming the sale:

Provided that, if he shall have reason to think that the sale ought to be set aside notwithstanding that no such application has been made, or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing [1][and on such conditions as he may deem proper concerning the payment of interest on the money deposited or other compensation] set aside the sale.

Refund of deposit of purchase money when sale is set aside.

186. Whenever the sale of any property is not confirmed, or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money, as the case may be.

On confirmation of sale, purchaser to be put in possession. Certificate of purchase.

187. After a sale of any occupancy or alienated holding has been confirmed in manner aforesaid, the Deputy Commissioner shall put the person declared to be the purchaser into possession of the land included in such occupancy or alienated holding, and shall cause his name to be entered in the revenue records as occupant or holder in lieu of that of the defaulter, and shall grant him a certificate to the effect that he has purchased the occupancy or alienated holding to which the certificate refers.

Application to Civil Court by purchaser resisted in taking possession.

[2][**187A.** Where any lawful purchaser of immovable property sold under section 161 or by the operation of section 193 is resisted or obstructed by any person in obtaining possession of the property, he may make an application together with the certificate of sale granted under section 187 to the Civil Court having jurisdiction over the property, complaining of such resistance or obstruction. Such Court shall proceed to investigate the matter as if the property were purchased by the applicant at a sale held by that Court.]

Bar of suit against certified purchaser.

188. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser, and any suit brought in a Civil Court against the certified

1. Inserted by Act II of 1916.
2. Added by Act XVII of 1926.

purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser though by agreement the name of the certified purchaser was used, shall be dismissed.

Application of proceeds of sale.

189. When any sale of movable property under this Chapter has become absolute, and when any sale of immovable property has been confirmed, the proceeds of the sale shall be applied to defraying the expenses of the sale and to the payment of any arrears due by the defaulter at the date of the confirmation of such sale and recoverable as an arrear of land revenue;

and the surplus, if any, shall be paid to the person whose property has been sold.

Expense of sale how calculated.

The expense of the sale shall be estimated at such rates and according to such rules as may, from time to time, be sanctioned by [1][the Revenue Commissioner under the orders of Government.]

Surplus not to be paid to creditors except under order of Court.

190. The said surplus shall not, except under an order of a Civil Court, be payable to any creditor of the person whose property has been sold.

Liability of purchaser for revenue.

191. The person named in the certificate of title as purchaser of any land shall be liable for all instalments of land revenue becoming due in respect of such land subsequently to the date of sale.

Claims to attached movable property how to be disposed of.

192. If any claim shall be set up by a third person to movable property attached under the provisions of this Chapter, the Deputy Commissioner shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed.

Application of the provisions of this Chapter.

What moneys leviable under the provisions of this Chapter.

193. All sums due on account of the land revenue, all quit-rents, and forfeitures, and all cesses, profits from land, emoluments, fees, charges, penalties, fines, costs and

1. Substituted for the word 'Government' by Act XVI of 1906.

interest payable or leviable under this Act or under any Act, rule or order hereby repealed, or under any Act or Regulation for the time being in force relating to land revenue [1][and all moneys falling due to Government under any grant, lease, security bond, or contract which provides that they shall be recoverable as a revenue demand or arrear of land revenue;]

and all moneys due by any contractor for the farm of customs duties, or of any other duty or tax, or of any other item of revenue whatsoever, and all specific pecuniary penalties, to which any such contractor renders himself liable under the terms of his agreement;

[2][and all sums due from a tenant in an alienated village as contribution, in respect of any irrigation work, under a contract which provides that they shall be recoverable as arrears of land revenue;]

and also all sums declared by this Act or by any other law at the time being in force to be leviable as assessment or as a revenue demand or as an arrear of land revenue;

shall be levied under the foregoing provisions of this Chapter.

On resumption of farm no payment to contractor in advance to be admitted.

And in the event of the resumption of any such farm as is aforesaid, no person shall be entitled to credit for any payment which he may have made to the contractor in anticipation.

[3][* * *]

Recovery of arrears accruing in C. & M. station, Bangalore

[4][**193A.** It shall be lawfull for a Deputy Commissioner to proceed to recover under the provisions of this Chapter any arrear of land revenue or any sum recoverable as such, accruing in and payable to the Collector of the Civil and Military Station, Bangalore, under any law for the time being in force, as if the demand arose in his own district.

A statement of accounts certified by the Collector of the said Civil and Military Station, shall for the purposes of this Chapter, be conclusive evidence of the existence of the arrear, of the amount due, and of the person who is the defaulter.]

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1. Inserted by Act VI of 1905.
2. Inserted by Act XVII of 1939.
3. This para was repealed by Act VI of 1905.
4. Added by Act XIII of 1923.

(Chapter XII—Procedure of Revenue Officers).

Power of Government to make rules as to advances made.

194. The Government may, from time to time, prescribe rules as to advances to be made to the holders of arable land for the relief of distress, the purchase of seed or cattle, or, any other purpose not specified in [3][the Land Improvement Loans Act, 1890,] but connected with agricultural objects.

Every such advance shall, when it becomes due, be recoverable, with the interest, if any, accrued due thereon, from the person to whom such advance was made, or from any person who had become surety for the repayment thereof, as if it were an arrear of land revenue due by the person to whom the advance was made or by his surety.

CHAPTER XII.

Procedure of Revenue Officers.

Subordination of revenue officers.

195. In all official acts and proceedings, a revenue officer shall, in the absence of any express provision of law to the contrary, be subject, as to the place, time and manner of performing his duties, to the direction and control of the officer to whom he is subordinate.

Power to summon persons to give evidence and produce documents.

196. (1) Every revenue officer not lower in rank than a Deputy Amildar, or an Assistant Superintendent of Survey, in their respective departments, shall have power to summon any person whose attendance he considers necessary either to be examined as a party, or to give evidence as a witness, or to produce documents for the purposes of any enquiry which such officer is legally empowered to make.

A summons to produce documents may be for the production of certain specified documents, or for the production of all documents of a certain description in the possession of the person summoned.

(2) Any person so summoned shall be bound to attend either in person or by an authorized agent as directed in the summons, and, when the summons directs the production of a document or thing, to cause its production.

Any person summoned merely to produce a document or other thing shall be deemed to have complied with the

3. Substituted for "the Land Improvment Act, 1871" by Act IV of 1890.

summons by causing the production of such document or thing instead of attending personally to produce the same.

(3) And all persons summoned to attend shall be bound to state the truth upon any subject respecting which they are examined or make statements, and to produce such documents and other things as may be required.

Witness may be examined on commission under certain circumstances.

197. When the person whose evidence may be required is unable from sickness or infirmity to attend before the officer issuing the summons, or is a person whom, by reason of rank or sex, it may not be proper to summon, the officer issuing the summons may, of his own motion or on the application of the party whose evidence is desired, dispense with the appearance of such person, and order him to be examined by a subordinate deputed by such officer for the purpose.

Summons to be in writing, signed and sealed.

198. Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and, if he have a seal, shall also bear his seal; it shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes.

How to be served.

It shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be found by leaving a copy of it with some adult member of his family residing with him, or by affixing a copy of it to some conspicuous part of his usual residence.

Service in district other than that of issue.

If his usual residence be in another district, the summons may be sent by post to the Deputy Commissioner of that district, who shall cause it to be served in accordance with the preceding clause of this section.

Mode of serving notice.

199. Every notice under this Act, unless it is otherwise expressly provided, shall be served either by tendering or delivering a copy thereof to the person on whom it is to be served, or to his agent, if he have any, or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers.

No such notice shall be deemed void on account of any error in the name or designation of any person referred to

therein, unless when such error has produced substantial injustice.

Procedure for procuring attendance of witnesses.

200. In any formal or summary inquiry, if any party desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, section 160.

Formal Inquiry.

Mode of taking evidence in formal inquiries.

201. In all formal inquiries, the evidence shall be taken down in full, in writing, in Kanarese, by, or in the presence and hearing and under the personal superintendence and direction of, the officer making the investigation or inquiry, and shall be signed by him.

In cases in which the evidence is not taken down in full in writing by the officer making the inquiry, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

If such officer is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

Taking evidence given in English. Translation to be on record.

When the evidence is given in English, such officer may take it down in that language with his own hand, and an authenticated translation of the same in Kanarese shall be made and shall form part of the record.

Writing and explanation of decisions.

202. Every decision, after a formal inquiry, shall be written by the officer passing the same in his own handwriting, and shall contain a full statement of the grounds on which it is passed.

Summary Inquiry.

Summary inquiries, how to be conducted.

203. In summary inquiries, the presiding officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English or in Kanarese, embracing the material averments made by the parties interested, the material parts of the evidence, the decision and the reasons for the same:

Proviso.

Provided that it shall at any time be lawful for such officer to conduct an inquiry directed by this Act to be summary under all or any of the rules applicable to a formal inquiry, if he deems fit.

(Chapter XII—Procedure of Revenue Officers).

Formal and summary inquiries to be deemed judicial proceedings.

204. A formal or summary inquiry under this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193, 219, and 228 of the Indian Penal Code, and the office of any authority holding a formal or summary inquiry shall be deemed a Civil Court for the purposes of such inquiry.

Hearing and decisions. Notices to parties.

Every hearing and decision, whether in a formal or summary inquiry, shall be in public, and the parties or their authorized agents shall have due notice to attend.

Ordinary inquiries how to be conducted.

205. An inquiry which this Act does not require to be either formal or summary, or which any revenue officer may, on any occasion, deem to be necessary to make, in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the Government, or an authority superior to the officer conducting such inquiry, and, except in so far as controlled by such rules, according to the discretion of the officer in such way as may seem best calculated for the ascertainment of all essential facts and the furtherance of the public good.

Copies and translation, etc., how to be obtained.

206. In all cases in which a formal or summary inquiry is made, authenticated copies and translations of decisions, orders and the reasons therefor, and of exhibits, shall be furnished to the parties, and original documents used as evidence shall be restored to the persons who produced them or to persons claiming under them, on due application being made for the same, subject to such charges for copying, etc., as may, from time to time, be authorized by Government.

Arrest of defaulter to be made upon warrant.

207. Whenever it is provided by this Act that a defaulter or any other person may be arrested, such arrest shall be made upon a warrant issued by any officer competent to direct such person's arrest.

Power of revenue officer to enter upon any land or premises for purpose of measurement, etc.

208. It shall be lawful for any revenue officer, at any time, from time to time, to enter, when necessary, for the purposes of measurement, fixing, or inspecting boundaries, classification of soil, or assessment, or for any other purpose connected with the lawful exercise of the office

under the provisions of this Act, or of any other law for the time being in force relating to land revenue, any lands or premises, whether belonging to Government or private individuals, and whether fully assessed to the land revenue or partially or wholly exempt from the same:

Proviso,

Provided always that no building used as a human dwelling shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than seven days before such entry, and provided also that, in the cases of buildings of all descriptions, due regard shall be paid to the social and religious prejudices of the occupiers.

Deputy commissioner how to proceed in order to evict any person wrongfully in possession of land.

209. Whenever it is provided by this Act, or by any other law for the time being in force, that the Deputy Commissioner may, or shall, evict any person wrongfully in possession of land, such eviction shall be made in the following manner, *viz.*,—

by serving a notice on person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land; and,

if such notice is not obeyed, by removing, or deputing a subordinate to remove, any person who may refuse to vacate the same; and,

if the officer removing any such person shall be resisted or obstructed by any person, the Deputy Commissioner shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance and obstruction still continue, may without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, issue a warrant for the arrest of the said person and, on his appearance, commit him to close custody in the office of the Deputy Commissioner or any Amildar or Deputy Amildar, or send him with a warrant, in the form of Schedule H, for imprisonment in the civil jail of the district for such period not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

CHAPTER XIII.

APPEALS AND REVISION.

Appeal to lie from any order passed by a revenue officer to his superior.

210. (1) In the absence of any express provision of this Act or of any law for the time being in force to the contrary, an appeal shall lie from any decision or order passed by a revenue officer under this Act, or any other law for the time being in force, to that officer's immediate superior authority, whether such decision or order may itself have been passed on appeal from a subordinate officer's decision or order or not.

[1][(1A) Where Government have issued a commission to any holder of alienated lands under section 99, an appeal shall lie from any decision or order, passed by such holder in exercise of the powers conferred upon him—

(i) to the Assistant Commissioner of the Sub-Division in which the alienated land is situate, when the holder exercises the powers of an Amildar, and

(ii) to the Deputy Commissioner of the District when the holder exercises the powers of the Deputy Commissioner.]

Appeal from Revenue Commissiner's appellate decisions to be limited to certain points.

[2][(2) No appeal shall lie to Government from an appellate decision or order passed by the Revenue Commissioner except on a point of law or usage having the force of law.]

Power to Government to withdraw appeals from the Revenue Commissioner.

[3][**210A.** Notwithstanding anything contained in this Act, the Government may at any stage withdraw any appeal or class of appeals pending before the Revenue Commissioner, and dispose of the same, or retransfer the same for disposal to the Revenue Commissioner.]

Period within which appeal must be brought.

211. No appeal shall be brought after the expiration of thirty days if the decision or order complained of have been passed by an officer inferior in rank to a Deputy Commissioner or a Superintendent of Survey in their respective departments, nor after the expiration of ninety days in any other case.

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1. Added by Act XVII of 1928.
2. Added by Act VI of 1906.
3. Added by Act I of 1909.

In computing the above periods, the time required to prepare a copy of the decision or order appealed against shall be excluded.

Admission of appeal after period of limitation.

212. Any appeal under this Chapter may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the authority to which he appeals that he had sufficient cause for not presenting the appeal within such period.

No appeal shall lie against an order passed under this section admitting an appeal.

Provision, where last day for appeal falls on a holiday.

213. Whenever the last day of any period provided in this Chapter for the presentation of an appeal falls on a holiday recognized by Government, the day next following the close of the holiday shall be deemed to be such last day.

Copy of order to accompany petition of appeal.

214. Every petition of appeal shall be accompanied by the decision or order appealed against, or by an authenticated copy of the same.

Powers of appellate authority.

215. The appellate authority may either annul, reverse, modify or confirm the decision or order of the subordinate officer appealed against, or he may direct the subordinate officer to make such further investigation or take such additional evidence as he may think necessary, or he may himself take such additional evidence.

Power to suspend execution of order of subordinate officer.

216. In any case in which an appeal lies, the appellate authority may, pending decision of the appeal, direct the execution of the decision or order of the subordinate officer to be suspended.

Power to call for and examine the records and proceedings of subordinate officers.

217. The Government and any revenue officer not inferior in rank to a Deputy Commissioner or a Superintendent of Survey, in their respective departments, may call for and examine the record of any inquiry or the proceedings of any revenue officer subordinate to it or him, for the purpose of satisfying itself or himself as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

The following officers may in the same manner call for and examine the proceedings of any officer subordinate to them in any matter in which neither a formal nor a summary inquiry has been held, namely—an Assistant

Commissioner, an Amildar, a Deputy Amildar, an Assistant Superintendent of Survey and an Assistant Settlement Officer.

If, in any case, it shall appear to the Government or to such officer as aforesaid, that any decision or order or proceedings so called for should be modified, annulled or reversed, the Government or such officer may pass such order thereon as it or he deems fit. And to pass orders thereupon.

218. Whenever in this Act it is declared that a decision or order shall be final, such expression shall be deemed to mean that no appeal lies from such decision or order. Rules as to decisions or orders expressly made final.

The Government alone shall be competent to modify, annul, or reverse, any such decision or order under the provisions of the last preceding section.

CHAPTER XIV.

Revenue Jurisdiction.

219. In this Chapter, unless there be something repugnant in the subject or context,— Interpretation clause.

"land" includes the sites of villages, towns and cities; it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights of way, ferries and fisheries; "Land."

"land revenue" means all sums and payments in money or in kind received or claimable by, or on behalf of, Government, from any person on account of land held by, or vested in, him, and any cess or rate authorized by Government under the provisions of any law for the time being in force. "Land Revenue."

220. Nothing in this Chapter shall affect any of the provisions of Act XXIII of 1871 (The Pensions Act). Saving of provisions of Pensions Act.

221. Subject to the exceptions hereinafter appearing, and except as hereinbefore expressly provided, no Civil Court shall exercise jurisdiction as to any of the following matters:— Bar of certain suits.

(*a*) claims against Government relating to any property, appertaining to the office of any hereditary officer appointed or recognized by Government or of any other village officer or servant; or

claims to perform the duties of any such officer or servant or in respect of any injury caused by exclusion from such office or service; or

suits to set aside or avoid any order relating to such office or service or such officer or servant, which may be passed by Government, or any officer duly authorised in that behalf; or

claims against Government relating to lands declared by Government, or any officer duly authorized in that behalf, to be held for any service whatsoever;

(*b*) objections—

to the amount or incidence of any assessment of land revenue authorized by Government, or to the mode of assessment, or to the principle on which such assessment is fixed; or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(*c*) claims connected with or arising out of any proceedings for the realization of land revenue, or, the rendering of assistance by Government, or any officer duly authorized in that behalf, to superior holders for the recovery of their dues from inferior holders; or

claims to set aside on account of irregularity, mistake or any other ground except fraud, sales for arrears of land revenue;

(*d*) claims against Government—

(1) to be entered in the revenue survey or settlement records or village papers as liable for the land revenue, or as superior holder, inferior holder, occupant or tenant; or

(2) to have any entry made in any record of a revenue survey or settlement; or

(3) to have any such entry either omitted or amended;

(*e*) the distribution of land or allotment of land revenue on partition of any estate under Bombay Act IV of 1868, or under this Act, or under any other law for the time being in force;

(*f*) claims against Government to hold land wholly or partially free from payment of land revenue; or

to receive payments charged on or payable out of the land revenue ; or

to set aside any cess or rate authorized by Government under the provisions of any law for the time being in force; or

respecting the occupation of waste or vacant land belonging to Government;

(*g*) claims regarding boundaries fixed under Bombay Act I of 1865 or under this Act, or under any other law for the time being in force ;

or to set aside any order passed by a competent officer under any such law with regard to boundary marks ;

Provided that if any person claim to hold land wholly or partially exempt from payment of land revenue under— Proviso.

(*h*) any enactment or rules having the force of law for the time being in force expressly creating an exemption not before existing in favour of an individual, or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(*i*) any written grant from the Government expressly creating or confirming such exemption, such claim shall be cognisable in the Civil Courts.

Illustrations to (*h.*)

(1) It is enacted that when a specific limit to assessment has been established, and preserved, the assessment shall not exceed such specific limit. *A* is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and *A*'s claim is not cognizable in a Civil Court.

(2) It is enacted that land revenue shall not be leviable from any land held and entered in the land register as exempt. *A* claims to hold certain land as exempt on the ground that it has been so held by him and is so entered in the land register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and *A*'s claim is cognizable in a Civil Court.

(3) It is enacted that a Deputy Commissioner shall confirm existing exemptions of all lands shown in certain maps to be exempt. *A* claims exemption alleging that his land is shown in the maps to be exempt. *A*'s claim is cognizable in a Civil Court.

(4) It is enacted that assessment shall be fixed with reference to certain considerations and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

(5) It is enacted that, in the event of the proprietory right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietory right in certain lands is transferred to *A* at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of *A* by enactment, and he may seek relief in the Civil Court against over-assessment.

Saving of certain suits.

222. Nothing in the preceding section shall be held to prevent the Civil Courts from entertaining the following suits:—

(*a*) suits against Government to contest the amount claimed or paid under protest or recovered as land revenue, on the ground that such amount is in excess of the amount authorised in that behalf by Government, or that such amount had, previous to such claim, payment, or recovery, been satisfied, in whole or in part, or that the plaintiff, or the person whom he represents, is not the person liable for such amount;

(*b*) suits between private parties for the purpose of establishing any private right although it may be effected by any entry in any record of a revenue survey or settlement, or in any village papers;

(*c*) suits between superior holders and inferior holders relating to matters not otherwise expressly provided for by this Act.

And nothing in clause (*g*) of the preceding section shall be held to prevent the Civil Courts entertaining suits, other than suits against Government for possession of any land being a whole survey number or a recognized share of a survey number.

Bar of certain suits against revenue officers.

223. Revenue officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done or ordered to be done by them as such, in pursuance of the provisions of any law for the time being in force.

If any revenue officer absconds or does not attend when called on by his official superior, and if the Deputy Commissioner of the district proceeds against him or his sureties for public money, papers or property, according to the provisions of this Act, or of any law for the time being in force, such Deputy Commissioner shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

Punishment or prosecution of revenue officer, no bar to civil remedies.

224. Nothing in any law for the time being in force which authorizes the punishment departmentally of any revenue officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

Suits not to be entertained unless plaintiff has exhausted right of appeal.

225. No Civil Court shall entertain any suit against Government on account of any act or omission of any revenue officer, unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit, it was possible to present.

Power of Government to refer questions for decision of High Court.

226. If in the trial or investigation of any suit, claim or objection which, but for the provisions of this Chapter, might have been tried or investigated by a Civil Court, or in any appeal against orders passed in such trial or investigation, there arises any question on which the Government, whether upon its own motion, or upon the recommendation of the Deputy Commissioner, or upon the application of the party interested, desires to have the decision of the [1][High Court,] the Government may cause statement of the question to be prepared, and may refer such question for the decision of the [1][High Court.]

The [1][High Court] shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

1. Substituted for the words "Chief Court," by Act XII of 1930.

The parties to the case may appear and be heard in the [1][High Court] in person, or by their Advocates or Pleaders.

The [1][High Court], when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court to the Government by which the reference was made and the case shall be disposed of conformably to such decision.

If the [1][High Court] considers that any such statement is imperfectly framed, the [1][High Court] may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the [1][High Court] in each case directs.

Power of Civil Judge to refer questions of jurisdiction to High Court.

227. If, in any suit instituted, or in any appeal presented, in a Civil Court, the judge doubts whether he is precluded, by this Chapter from taking cognizance of the suit or appeal, he may refer the matter to the [1][High Court.]

The [1][High Court] may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the [1][High Court] on any such reference shall be final.

Composition of Bench.

228. If the [1][High Court] consists of three or more Judges, every reference under sections 226 or 227 shall be heard by a Bench consisting of such number of Judges, not less than three, as the Chief Justice from time to time directs.

Reference of Government suits to District Judge.

229. No Munsiff, Subordinate Judge or Court of Small Causes shall receive or register a suit in which the Government or any officer of Government in his official capacity is a party; but in every such case, such Munsiff, Judge or Court shall refer the plaintiff to the District Judge in whose Court alone such suit shall be instituted.

Privileges of Government in suits defended by it.

230. Whenever any suit is brought in any District Court against Government or against any revenue officer, and the Government undertakes the defence thereof, it shall be lawful for the Government, by a certificate signed by a Secretary thereto, to require that the trial of

1. Substituted for "Chief Court" by Act XII of 1930.

any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court, and the Court shall give effect to every such requirement.

The privilege conferred on the Government by this section shall *mutatis mutandis* apply to any appeal or second appeal against any decree in any such suit as is described in this section.

CHAPTER XV.

MISCELLANEOUS.

Applicability to *kayamgutta* villages of provisions relating to alienated villages.

231. All the provisions of the Act relating to alienated villages shall apply to *Kayamgutta* villages, *i.e.*, villages held on an assessment permanently fixed.

Maps and land registers and village accounts, etc., open to inspection.

232. Subject to such rules and the payment of such fees as the Government may from time to time prescribe in this behalf, all maps and survey records, and all village accounts and land registers, shall be open to the inspection of the public at reasonable hours, and certified extracts from such maps, registers and accounts, or certified copies thereof, shall be given to all persons applying for the same.

Power of Government to frame rules.

233. The Government may, from time to time, make and, from time to time, vary, or rescind, rules or orders not inconsistent with this Act—

(*a*) determining the qualifications to be required of all members of establishments appointed under section 20;

(*b*) regulating the power of fining, reducing, suspending and dismissing revenue officers under section 31:

(*c*) for the disposal of unoccupied Government lands under section 36;

(*d*) for the disposal of trees, not the property of the occupant, under section 41;

(*e*) prescribing the purposes to which land liable to the payment of land revenue may be appropriated under section 48;

(*f*) regulating the system and manner of assessing land to the land revenue under sections 50 and 111;

(*g*) for the disposal of forfeited occupancies or alienated holdings under section 54, and of relinquished holdings under section 71;

(*h*) regulating the grant of permission to occupy unoccupied land under section 58;

(*i*) fixing the maximum amount of fine leviable under section 59 when land, which has been unauthorizedly occupied, is appropriated to any non-agricultural purpose:

(*j*) for the disposal of the occupancy of alluvial land under section 61;

(*k*) for the administration of any survey settlement;

(*l*) for the disposal of building sites under section 135;

(*m*) prescribing the mode, form and manner in which appeals under Chapter XIII of this Act shall be drawn up and presented;

(*n*) generally for the guidance of all persons in matters connected with the enforcement of this Act, or in cases not expressly provided for therein.

Rules or orders made under any of the above clauses (*e*), (*f*), (*g*), (*h*), (*i*), (*l*) or (*n*), may be made either generally or in any particular instance.

Certain rules to be published.

234. All general rules or orders made by the Government under the last preceding section shall be published and when published shall, until cancelled or amended, have the force of law.

Power to provide for penalties.

235. It shall be lawful for the Government, in making any such general rule, to attach to the breach of it, in addition to any other consequences which would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment of either description within the meaning of the Indian Penal Code, or five hundred rupees fine, or both.

[1] **236.** *Deleted.*

Occupants in alienated or *kayamgutta* villages.

237. When a survey settlement has been introduced, under the provisions [2] * * * of any law for the time being in force, into an alienated or *kayamgutta* village, the holders of all lands to which such settlement

1. Deleted by Act XVII of 1939.
2. Certain words were omitted by Act XVII of 1939.

(*Schedule A*).

extends shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as occupants in unalienated villages have or are affected by, under the provisions of this Act, and all the provisions of this Act, relating to occupants and registered occupants, shall be applicable, so far as may be, to them.

[1]‡ ‡ ‡

238. Nothing in this Act which applies in terms to unalienated land or to the holders of unalienated land only, shall be deemed to affect alienated land, or the rights of holders of alienated land, or of Government in respect of any such land, and no presumption shall be deemed to ariseeither in favour, or to the prejudice, of any holder of alienated land from any provision of this Act in terms relating to unalienated land only. Construction of this Act.

239. Nothing in this Act shall be deemed to affect the power of the Government to direct by law the levy of any tax, cess, or rate, on all lands under whatever title they may be held whenever and so long as the exigencies of the State may render such levy necessary. Savings of power of Government to levy tax, cess or rate.

SCHEDULE A.

(*Section* 2).

1. Notification of the Government of India No. 83, dated Simla, the 30th April 1869, introducing into the [2][whole of the State of Mysore except Bellary District] Bombay Acts I of 1865 and IV of 1868.

2. Notification of the Government of India No. 254, dated 27th August 1869, applying to the [2][whole of the State of Mysore except Bellary District] the provisions of Madras Act III of 1869.

3. Notification of the Government of India No. 123, dated the 24th June 1872, regarding the powers of Revenue Courts in the investigation of judicial cases.

4. Rules relating to recovery of rent by proprietors of *sarvamanyam jodi* and *kayamgutta* villages, published with the late Chief Commissioner's Notification at page 87 of the *Mysore Gazette*, dated 1st May 1869, as altered by the late Chief Commissioner's Notification No. 180, dated the 3rd August 1871.

5. Notification of the late Commissioner relating to the rights of raiyats of Inam villages dated 25th October 1843.

6. The late Commissioner's Circular Order No. 522-3, dated 8th June 1864.

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1. Sub-para was omitted by Act XVII of 1939.
2. See the Mysore Adaptation of Laws order, 1953.

(*Schedules B and C.*)

SCHEDULE B.

FORM OF BOND TO BE REQUIRED UNDER SECTION 22.

Whereas I, inhabitant of have been appointed to the office of and have been called upon to furnish security under the provisions of section 22 of the Mysore Land Revenue Code for the due discharge of the trusts of the said office or of any other office to which I may be hereafter appointed, and for the due account of all moneys, papers and other property which shall come into my possession or control by reason of any such office, I hereby bind myself to pay to the Government of Mysore the amount of any loss or defalcation in my accounts and to deliver up any papers or other property within such time and to such person as shall be demanded by the person at the head of the office to which I belong, such demand to be in writing and to be left at my office or place of residence, and in case of my making default therein, I bind myself to forfeit to the Government of Mysore the sum of Rupees:

Dated (Signature)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

We hereby declare ourselves sureties for the abovesaid that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Government of Mysore such sum as shall be deemed sufficient by the to cover any loss or damage which the Government may sustain by reason of such default.

Dated (Signature)

SCHEDULE C.

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY COMMISSIONER UNDER SECTION 24 OR 163.

(Seal)

To

The Officer in charge of the civil jail at

Whereas *A. B.* of was on the day of 19 . ordered by to (*here state the substance of the demand made*); and whereas the said *A. B.* has neglected to comply with the said order, and it has therefore been directed, under the provisions of section 24 or 163 of the Mysore Land Revenue Code, that he be imprisoned in the Civil Jail until he obeys the said order or until he obtains his discharge under the provisions of section 24 or 27 (*or section* 163 *or* 170. *as the case may be*) of the said Act; you are hereby required to receive the said *A. B.* into the jail under your charge and to carry the aforesaid order into execution according to law.

Dated this day of 19 .

(Signature)

(Schedules D and E.)

SCHEDULE D.

FORM OF BOND TO BE REQUIRED UNDER SECTION 27, 103 OR 170.

Whereas I, have been ordered by to (*here state the nature of the demand*) and whereas I dispute the right of the said to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the District Court of to contest the justice of the demand, and do agree that, in the event of a decree being passed against me, I will fulfil the same and will pay all amounts, including costs and interests, that may be due by me, or that if I fail to institute a suit as aforesaid, I will, when required, pay the above mentioned amount of Rupees (*or will deliver up the above-mentioned papers or property as the case may be,*) and in the case of my making default therein, I hereby bind myself to forfeit to the Government of Mysore the sum of rupees.

Dated (Signature)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

We hereby declare ourselves securities for the abovesaid that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Government of Mysore the sum of Rupees.

dated (Signature)

SCHEDULE E.

(*Section* 80.)

I.—FORM OF NOTICE TO BE GIVEN BY LANDLORD TO TENANT TO QUIT.

To

A. B.

I do hereby give you notice that I do intend to enter upon, and take possession of the land (*here give the description*) which you now hold as tenant under me, and you are therefore required to quit and deliver up possession of the same at the end of this current year terminating on the of 19 .

Dated this day of 19 .

(Signed) *C. D.*

II.—FORM OF NOTICE TO BE GIVEN BY TENANT TO LANDLORD OF HIS INTENTION TO QUIT.

To

C. D.

I do hereby give you notice that I shall quit and deliver up to you at the end of this current year, terminating on the of 19 , the land (*here give description*) which I hold from you.

Dated this day of 19 .

(Signed) *A. B.*

(Schedules F and G).

SCHEDULE F.

FORM OF COMMISSION TO BE ISSUED TO A HOLDER OF ALIENATED LANDS OR ALIENATED OR KAYAMGUTTA VILLAGES OR HIS AGENT UNDER SECTION 99.

(Seal)

The Government, by virtue of the power vested in it by the Mysore Land Revenue Code, is pleased to confer on you *Jahgirdar, etc., or agent etc., (as the case may be,)* power to in (or in respect of) the villages and lands specified in this commission, in the manner prescribed in section 99 of the said Act.

The villages and lands over which the power thus conferred upon you extends, are as follows :

(Here enter the description.)

The within delegated power is vested in you during the pleasure and subject to the recall of the said Government of Mysore.

(Signed)

SCHEDULE G.

(Section 137).

FORM OF SANNAD FOR BUILDING SITES.

(Seal)

THE GOVERNMENT OF MYSORE.

To

Whereas the Government of Mysore, with a view to the settlement of the land revenue and the record and preservation of proprietory and other rights connected with the soil, has, under the provisions of the Mysore Land Revenue Code, directed a survey of the lands within the—of—and ordered the necessary inquiries connected therewith to be made, this Sannad is issued under section 137 of the said Act to the effect that—

There is a certain plot of ground occupied by you in the division of the of registered No. in the map marked sheet No. and facing towards the the road leading from to— containing about square yards, and of the following shape and about the following dimensions :—

You are hereby confirmed in the occupancy of the above described ground, exempt from all land revenue (or subject to the payment of Rs. per annum to the land revenue).

The terms of your tenure are such that your occupancy is both transferable, and heritable, and will be continued by the Government of Mysore without any objection or question as to title, to whosoever shall, from time to time, be its lawful holder (subject only to the condition of the payment annually of the above land revenue according to the provisions of the Mysore Land Revenue Code or of any other law for the time being in force, and to the liability to have the said rate of

assessment revised at the expiration of a term of years reckoned from the and thereafter at successive periods of years in perpetuity, and to the necessity for compliance with the provisions of the law, from time to time, in force as to the time and manner of payment of the said assessment and to the liability of forfeiture of the said occupancy and of all rights and interests connected therewith in case of your failure to pay the said assessment as required by law).

This Sannad is executed on behalf of the Government of Mysore by me this day of one thousand nine hundred and A. D.

(Signed.)

SCHEDULE H.

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY COMMISSIONER UNDER SECTION 209.

(Seal)

To

The Officer in charge of Civil Jail at

Whereas A. B. of has resisted (or obstructed) C. D. in removing E. F. (or himself, that is the said A. B.) from certain land in the village of in the Taluk, and whereas it is necessary, in order to prevent the continuance of such obstruction (or resistance), to commit the said A. B. to close custody; You are hereby required, under the provisions of section 209 of the Mysore Land Revenue Code to receive the said A. B. into the jail under your charge, and there to keep him in safe custody for days.

Dated this day of 19 .

(Signature)

SCHEDULE I.

(Repealed by section 14 of Act VI of 1906.)